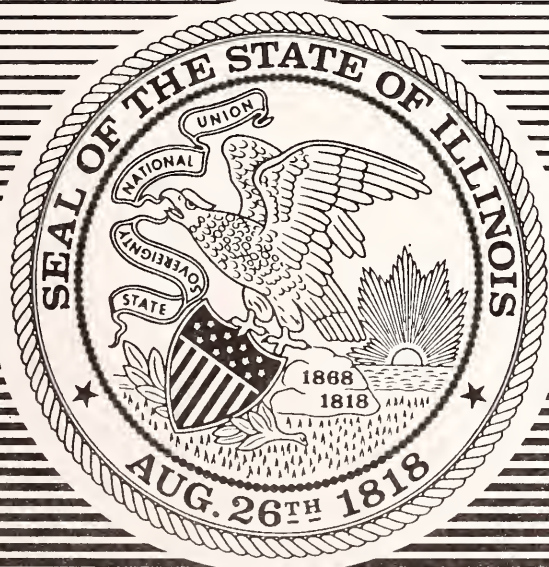


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2001

# ILLINOIS

## REGISTER RULES OF GOVERNMENTAL AGENCIES



Volume 25, Issue 27  
July 06, 2001

Pages 8,054 – 8,474

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Issue 29-July 14, 2000: Data Through June 30, 2000  
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## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

## REGISTER PUBLICATION SCHEDULE 2001

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 26, 2000	January 5, 2001	Issue 28	July 2	July 13
Issue 2	January 2, 2001*	January 12	Issue 29	July 9	July 20
Issue 3	January 8	January 19	Issue 30	July 16	July 27
Issue 4	January 16*	January 26	Issue 31	July 23	August 3
Issue 5	January 22	February 2	Issue 32	July 30	August 10
Issue 6	January 29	February 9	Issue 33	August 6	August 17
Issue 7	February 5	February 16	Issue 34	August 13	August 24
Issue 8	February 13*	February 23	Issue 35	August 20	August 31
Issue 9	February 20*	March 2	Issue 36	August 27	September 7
Issue 10	February 26	March 9	Issue 37	September 4*	September 14
Issue 11	March 5	March 16	Issue 38	September 10	September 21
Issue 12	March 12	March 23	Issue 39	September 17	September 28
Issue 13	March 19	March 30	Issue 40	September 24	October 5
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Issue 18	April 23	May 4	Issue 45	October 29	November 9
Issue 19	April 30	May 11	Issue 46	November 5	November 16
Issue 20	May 7	May 18	Issue 47	November 13*	November 26**
Issue 21	May 14	May 25	Issue 48	November 19	November 30
Issue 22	May 21	June 1	Issue 49	November 26	December 7
Issue 23	May 29*	June 8	Issue 50	December 3	December 14
Issue 24	June 4	June 15	Issue 51	December 10	December 21
Issue 25	June 11	June 22	Issue 52	December 17	December 28
Issue 26	June 18	June 29	Issue 1	December 26 (Wed. Noon)	January 4, 2002
Issue 27	June 25	July 6			

\* Tuesday 12 noon deadline following a state holiday.

\*\* Monday publication date following a state holiday.



## CAPITAL DEVELOPMENT BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standards for Award of Grants: School Construction Program
- 2) Code Citation: 71 Ill. Adm. Code 40
- 3) Section Numbers:                      Proposed Action:  
40.100                                  Amend  
40.110                                  Amend  
40.130                                  Amend
- 4) Statutory Authority: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Section 5-55 of that Act, and the School Construction Law [105 ILCS 230].

- 5) A Complete Description of the Subjects and Issues Involved: Standards and procedures for the award of grants for school construction pursuant to the School Construction Law [105 ILCS 230]. Amendments clarify existing provisions and delete CDB oversight and approval of site selections.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain incorporations by reference? No

- 9) Are there any other proposed rulemakings pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: From the date that this notice first appears in the Illinois Register, for a period of 45 days thereafter, interested persons may submit comments, in writing, to:

Claire Gibson, Deputy Chief Counsel  
Capital Development Board  
3rd Floor Wm. G. Stratton Bldg.  
Springfield, Illinois 62706  
217/782-1392

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF PROPOSED AMENDMENTS

- B) Reporting, bookkeeping or other procedures required for compliance:  
None

- C) Types of professional skills necessary for compliance: None over and above those required by current rule.

- 13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

CAPITAL DEVELOPMENT BOARD  
NOTICE OF PROPOSED AMENDMENTS

TITLE 71: PUBLIC BUILDINGS, FACILITIES AND REAL PROPERTY  
CHAPTER I: CAPITAL DEVELOPMENT BOARD  
SUBCHAPTER a: RULES

PART 40  
STANDARDS FOR AWARD OF GRANTS:  
SCHOOL CONSTRUCTION  
PROGRAM

Section	Definitions
40.100	General
40.110	Planning Assistance Grants (Repealed)
40.120	Construction Grants
40.130	Debt Service Grants (Repealed)
40.140	

AUTHORITY: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Section 5-55 of that Act and the School Construction Law [105 ILCS 230].

SOURCE: Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 233, effective February 14, 1980; amended at 5 Ill. Reg. 1890, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20342, effective October 1, 1984; amended at 9 Ill. Reg. 17345, effective October 29, 1985; amended at 13 Ill. Reg. 6973, effective April 21, 1989; amended at 20 Ill. Reg. 15244, effective November 15, 1996; emergency amendment at 22 Ill. Reg. 2597, effective January 13, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 9518, effective May 21, 1998; emergency amendment at 23 Ill. Reg. 6521, effective May 12, 1999, for a maximum of 150 days; emergency expired on October 9, 1999; amended at 23 Ill. Reg. 10788, effective August 20, 1999; emergency amendment at 23 Ill. Reg. 11320, effective August 27, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 233, effective December 27, 1999; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 40.100 Definitions

The following definitions shall apply to this Part:

"Enrichment Cost" means expenditures not included in the recognized project cost and designated as ineligible expenditures by the Capital Development Board.

"Eligible Expenditures" means those elements of the proposed project that are included in the recognized project cost.

"Local Share" means funds provided by the local district equal to the recognized project cost subtracting the State share.

CAPITAL DEVELOPMENT BOARD  
NOTICE OF PROPOSED AMENDMENTS

"Recognized Project Cost" means the total of eligible costs that are funded with State and local funds necessary to provide for the acquisition, development, construction, reconstruction, rehabilitation, improvement, architectural planning and installation of capital facilities consisting of buildings, structures, durable equipment and land for educational purposes as determined by the Capital Development Board.

"State Share" means the product of the district grant index and the recognized project cost, as determined by the Capital Development Board.

"Unit Cost" means a dollar/sq.ft. cost used for determining the recognized project cost for new construction projects and additions. Costs include Architect/Engineer (A/E) A/E design fees, building construction to the five foot line, fixed equipment, associated-legal fees and contingency.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 40.110 General

- The Capital Development Board (hereinafter "Board") will implement the School Construction Law through its School Construction Program (hereinafter "SCP").
- The Board will make no grant awards prior to compliance by the school district with the Illinois State Board of Education (ISBE) regulations for grant entitlement [105 ILCS 230/5-5].
- The ISBE will forward the application to the Board to determine if the program statement has been provided and has adequate information to schedule a survey by the Board. Simultaneous with the submission of applications and district-facility-plans-to-the-State-Board-of-Education--such documents shall be submitted to the Board--the Board shall request submission of additional information in those cases in which the applications and facilities-plans do not include all data necessary to fully evaluate the building needs--based on enrollment and anticipated program--the Board shall request submission of additional information related to enrollment and anticipated program where the application and facilities-plans need further clarification contain discrepancies in information and/or are missing information needed to fully evaluate the building needs.
- Proof of local share will be required by the Board prior to a grant award. A school district School-districts failing to have access to the local share of funds within the time period set forth in Section 40.130(c)(8)(G) of this Part shall be prioritized and must update its application to establish its priority ranking for the following fiscal year.

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF PROPOSED AMENDMENTS

- e) If the school district School-District begins the project in some manner (such as letting bids, awarding contracts, or starting actual construction) after entitlement is issued by the ISBE State-Board-of Education, such actions shall have no effect on the eligibility for a construction grant.

f) Grant awards will be issued in accordance with ISBE's priority ranking.

g) School districts shall enter into intergovernmental agreements with the Board that EBD-which may include, but are not limited to, provisions for the following:

- 1) That funding Funding of the State share in progress payments to school districts for project costs will be made in-a-manner-that meets-the-needs-of-the-particular-construction-project, upon proper submittal of required documentation by the school district.

- 2) That Agreement-of the school district agrees to comply with all applicable statutes, codes, and rules.

- 3) That establishment Establishment and maintenance of a separate set of accounts is required for the construction, study, and planning of the project in accordance with generally accepted accounting principles (FASB Accounting Standards, Financial Accounting Standards Board, High Ridge Park, Stanford, Connecticut 06905 (1998)).

- 4) That access Access to the work, materials, payrolls, and other data and records relevant to the project for purposes of audit and inspection by the Board EBD or other authorized agencies is required.

- 5) That the architect Architect retained by the school district School-District shall certify on each payment submittal that the expenditures were in accordance with the provisions of the appropriation Act and the terms of the intergovernmental agreement.

- 6) That increases Increases in project costs added by change order shall not increase the amount of the State share.

- 7) That if the school district if-the-School-District requests the Board EBD to assume administrative or oversight duties, the extent of those duties requested shall be described in the intergovernmental agreement.

- 8) Other provisions as may be necessary, including those required to ensure a legal and binding agreement.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 40.130 Construction Grants

Prior to the award of a construction grant, school districts shall meet the following requirements:

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF PROPOSED AMENDMENTS

## a) Program Statements

Program statements Statements must be submitted to-the-Board as part of the school district's Application for Construction Grant Entitlement for proposed facilities and sites requiring SCP funding. Program statements Statements must conform to the School Construction Law Project Standards SCP-Educational-Facilities-Program-Statement Guidelines as developed by the Board and must which-will address, but need not be limited to, the following:

- 1) Project description and rationale Project-Description-and-Rationale
- 2) occupant capacity Occupant-Capacity
- 3) site analysis Site-Analysis
- 4) project design Project-Design
- 5) funding sources and cost estimates Funding-Sources-and-Cost Estimates
- 6) time schedule of major events Time-Schedule-of-Major-Events

## b) Prohibited Uses

Program statements shall not include any on-going operational costs or any construction projects for which the General Assembly and the Governor have approved specifically designated funds.

## c) Standards-for School Site Selection and-Approval

- 1) The local school district board shall select the sites for all new projects subject-to-the-determination-of-the-Board-that-the-proposed-site-meets-at-least-a-minimum-engineering-and-construction standards-or-requirements.

- 2) Suitability for Development and Construction

- A) The site should be free of physical structures, topographical features or subsurface physical conditions that would preclude necessary construction, present insurmountable obstacles to safety or normal utilization, shorten building life, cause excessive delays in project completion, or cause costs to exceed the funds available.

"Necessary construction" shall include but not necessarily be limited to: buildings, utility lines, storm water disposal arrangements and paving. The-local-district-shall provide-a-report-acceptable-to-the-Board-on-soil-conditions-based-on-the-removal-of-soil-for-testing--the-cost-to-the-local-school-district-of-the-soil-test-and-report-of-that-test-shall-be-considered-as-a-credit-to-the-local-share-of-the-recognized-project-cost-if-the-site-is approved-and-a-grant-award-is-made.

- B) The site should not be subject to existing or foreseeable, harmful or disruptive environmental hazards and nuisances. Such hazards and nuisances may include, but are not necessarily limited to: excessive dust, smoke, noise, odors, air pollutants, soil pollutants, floods, ground water incursions, vibrations, explosions, and electrical discharges. Site acquisition shall be subject to the



CAPITAL DEVELOPMENT BOARD  
NOTICE OF PROPOSED AMENDMENTS

Farmland Preservation Act [505 ILCS 75], Interagency Wetland Policy Act of 1989 [20 ILCS 830], Illinois State Agency Historic Resources Preservation Act [20 ILCS 3410], Archaeological and Paleontological Resources Protection Act [20 ILCS 3435], and the Illinois Endangered Species Protection Act [520 ILCS 10], and the Environmental Protection Act [415 ILCS 58.15] as may be applicable.

3) Availability of Site

A) The school local district shall have a period of 150 days from the time of grant award to acquire title to the site, or rights of use and exclusion sufficient to carry out the purposes and programs of the school. Such time-period may be extended for 60 days by the Executive Director. Any further extension must be approved by the Board. Extensions will be granted in those cases in which there is a reasonable expectation that the district will be able to acquire the site within the period of the extension and the delay has been occasioned by a condition beyond the control of the district, such as a delay in acquiring a title commitment.

B) A grant will not be awarded until the Board has had a reasonable opportunity to enter upon the site, inspect it in detail, and conduct whatever site tests are deemed necessary to establish the suitability of the site for school purposes.

E) The Board will not approve a site unless its development and use for the proposed school is in compliance with applicable laws or unless action has been taken to bring variation of same into compliance.

B) When street vacations, utility relocations, or such action will be required prior to start of construction, the local district must present documentation that such actions will be approved by the responsible local governmental units before the Board will approve the site.

4) Site Size and Configuration

A) The proposed site should in size and of regular configuration so as to accommodate the school's on-site program as well as to accommodate ancillary functions that are better served on-site than off-site, such as parking, bus loading and unloading, casual student assembly and play, and pedestrian movement between different points on the site.

B) The school's on-site program shall be defined to include the school's instructional program and any other activities and events the applicant school district plans to conduct on the site. The applicant may tailor its on-site program to fit the site proposed. Determination of the adequacy of the site's space in terms of the number of students shall be based on the design capacity of the school building.

CAPITAL DEVELOPMENT BOARD  
NOTICE OF PROPOSED AMENDMENTS

E) Space for Buildings

In addition to those portions of the site required for other purposes, there must be a portion or portions of the site that are of such size, shape and physical quality that they are sufficient to accommodate the buildings that would be required by the maximum design enrollment of the school. This building reserved must be at least sufficient in ground area to provide for gross floor space as set forth in the section on space standards for new construction, subsection (c)(4)(b) of this Section. For facilities with more than one floor the "building reserve" must be at least sufficient in ground area to provide for one-half the gross floor space.

B) Non-Building Space

i) At a minimum, the site must provide amounts of space in addition to that reserved for buildings to meet special requirements as defined in subsection (c)(4)(b) of this Section of a shape, character, and location that the site can readily be improved to provide areas suitable for physical education and recreation, any planned accommodation of vehicles, and the accommodation of outdoor access, circulation and evacuation in accordance with EBB's list of Bigible Capital Infrastructure Program Expenditures for Construction of New School Facilities (see subsection (c)(7), List of Bigible Expenditures).

ii) For additions to existing schools, the addition should not be planned on existing open space and/or playground area of existing schools unless it can be demonstrated that the construction of the addition will not reduce the amount of space necessary to fulfill the program and provide adequate recreational space.

B) Special Requirements

Irrespective of required minimums, the site must be of sufficient size to provide for the following needs as indicated:

i) Space for Outdoor On-Site Program  
There must be a portion or portions of the site in addition to those reserved for other purposes that are of such size, shape and physical character that they can be readily improved to accommodate the safe conduct of the outdoor portions of the on-site school program. The site must permit the safe conduct of a physical education program that meets district standards, taking into account the varying physical capacities of students, types and amounts of activities in the physical education program and the

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF PROPOSED AMENDMENTS

- daily-and-yearly-time-schedule-of-the-school-  
 Accommodation-of-Vehicles  
 ii) There-must-be-portion-of-the-site--in-addition-to  
 these-necessary-for-other-purposes-that-are-of-such  
 size-shape-physical-quality-and-location-that-they  
 can-provide-spaces-for-vehicles-as-indicated-below  
 without-contravening-local-zoning-ordinances--safe  
 loading--and-unloading--areas-for-school-buses--where  
 areas-are-necessary-to-the-safety-of--students--from  
 street-traffic--secure-and-convenient-parking-spaces  
 for-staff-visitors--and-students-in-conformance-with  
 district-policies--and-safe-accommodation-of-delivery  
 and-service-vehicles-involved-in-serving-the-school-  
 iii) Access-Circulation-Evacuation-Assembly  
 There-must-be-portion-of-the-site-of--such-size-  
 shape-physical-quality-and-location-that-they-can-be  
 improved-to-provide-unobstructed-exterior-avenues-of  
 escape-from-the-exits-of-all-proposed-buildings--and  
 the-areas-adjacent-to-buildings--in-the-event-that  
 evacuation-is-necessary--safe--and--convenient  
 circulation-by-students--between--and--among--the  
 buildings--and-outdoor-activity-areas-of-the-site  
 safe-accommodation-for--the-unsupervised--outdoor  
 assembly-of-students-and-their-pastimes-before-school  
 after-school--at-lunch-breaks-and-at-recesses--safe  
 accommodation-of-the-outdoor-assemblies-of--students  
 and--spectators--occasional--by--school-sponsored  
 spectator-events-to-be-held-on-the-site  
 P) Variance-of-Site-Size-and-Configuration  
 the-Board-will-approve-a-proposed-site-which-does-not-meet  
 the--minimum-requirements-of-this-subsection-(c)(4)-when-all  
 the-following-criteria-have-been-met:  
 ii) The-local-school-board-petitions-the-State-Board--of  
 Education--and--the-Board--for-a-variance--from-the  
 minimum-requirements-of-this-subsection-(c)(4)-stating  
 with-specificity-the-reasons-for-such-variance  
 ii) The-State-Board-of-Education-certifies--to--the-Board  
 that--the-variance-complies-with-all-requirements-of  
 the-School-Code--and--rules--of--the-State-Board--of  
 Education-(93-III-Adm-Code-151)  
 5) Utilities and Services  
 A) Water Supply  
 Water must be made available at the site in sufficient  
 volume and delivery rates and of appropriate quality to  
 serve the firefighting needs of the proposed school as well  
 as to accommodate other forms of water consumption.  
 B) Sanitary Sewage Disposal  
 The location or character of the site must not prevent the

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF PROPOSED AMENDMENTS

- disposal of sanitary sewage from the school.  
 C) Storm Water Disposal  
 The location or character of the site must not prevent the  
 disposal of storm water from the school.  
 D) Electric, Power, Telephone, Gas  
 The site must present no obstacles to the provision of  
 electric power, telephone services, and whatever gas service  
 the school may require at the point in the construction  
 process when utility hook-ups are made.  
 E) Solid Waste Management Systems  
 Solid waste management services must be available to the  
 site.  
 6) Architect/Engineer (A/E) Selection Architect-Engineer-Selection  
 The selection of an architect/engineer architect-engineer shall  
 be in accordance with the Local Government Professional Services  
 Selection Act [50 ILCS 510].  
 7) List-of Eligible and Ineligible Expenditures:  
 A) The Board EBB will participate in the funding of academic  
 facilities for all programs approved by the ISBE State-Board  
 of-Education.  
 B) EBB's-participation-in--the-funding--of--administrative  
 facilities-is-limited-to--that-space-required-for--the  
 administration-of-the-educational-and-support-program-of-the  
 school. The Board EBB will not participate in funding  
 administrative facilities intended for district  
 administration.  
 C) The Board EBB will not fund facilities intended for  
 commercial use by profit making organizations. This is not  
 meant to exclude facilities to be operated by non-profit  
 organizations such as student groups, PTAs, etc.  
 D) Although the Board EBB encourages development of facilities  
 intended for joint use by school and community, the Board's  
 EBB's participation in the funding of facilities intended  
 for joint use by school and community is limited to those  
 items required to meet the needs of the school's educational  
 and support programs.  
 E) The Board EBB will not participate in funding facilities  
 designed exclusively for interscholastic activities. For  
 example--although--EBB-will--fund--locker--facilities--in  
 sufficient-numbers-to-provide--for--the-physical-education  
 program-needs-of-a-school's-own-students--EBB-will-not--fund  
 separate-locker-facilities-for-the-exclusive-use-of-visiting  
 school-teams.  
 F) Off-site improvements are defined as any improvements  
 outside of the property line. Off-site improvements are not  
 recognized as eligible project costs except under  
 exceptional circumstances and only in those cases where the  
 off-site improvements are necessary to the functional

## CAPITAL DEVELOPMENT BOARD

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operation of a school facility. The following specific policies apply to off-site improvements:

- i) Off-site improvements that exceed the requirements needed for the project are ineligible project costs. For example, if a larger water main is desired by the locality than is needed for the school project itself, the Board EBB will not participate in any cost attributable to the increased size of the main.
- ii) The district must provide documentation certification that local and/or federal funding sources are not available to the district or any other public body for off-site improvements before the Board EBB will consider participation in their funding.
- iii) The Board's EBB's participation in funding off-site improvements is only permitted if the off-site property or interest in the property, such as an easement or leasehold, is owned by a public body.
- iv) Prior-to-grant-award--as-part-of-the-pre-grant analysis--EBB--will--perform--a-cost-benefit-analysis regarding-the-implications--of--off-site--improvements for--alternative--sites--in--evaluating--need--for off-site-improvements--EBB--will--consider--trade-offs among--factors--such-as-cost-of-off-site-improvements--cost-of-site-and-desirability-of-site-location--For example--site--acquisition--cost--plus-major-off-site improvements--cost--may--still--be--less--for--one-site--than for--another--site--requiring--only--minor--off-site improvements--in-such-special-cases--a-site-requiring major-off-site-improvements--could--be--preferred--However--the--specific--policies--in--subsections (c)(7)(i)-(ii)-(iii)-and-(iii)-still-apply-
- G) On-site improvements may be defined as any improvements outside the building's five feet 5-foot line but inside the property line of the site. The Board's EBB's participation in funding on-site improvements is limited to those minimum requirements that are necessary to making the site functionally operational.
- H) EBB--will--evaluate--space--types--of--a-sophisticated-nature--that support--specialized--activities--in--an--elementary--middle/junior-high-school--or--high-school--EBB--will--identify facilities-of-this-type--justification--must--be--based--on programmatic--need--Such--justification--to--obtain--the support-of-EBB--must--have--the-support-and-concurrence-of-the State-Board-of-Education-
- I) EBB--will--participate--in--the-funding-of--vocational/technical facilities--for--all--programs--approved--by--the-State-Board-of Education-
- 8) State and Local Financial Participation in School Construction

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## Projects

- A) Determination of Recognized Project Cost
  - i) Recognized project cost shall be based upon calculations in accordance with the School Construction Law Project Standards list-of-Bigbie Expenditures (see also subsection (c)(7)) and shall include unit cost (\$/sq.ft.) as follows: buildings constructed to the five foot line, design and construction contingencies, building fixed equipment; plus additional associated costs as deemed appropriate by the Board in consultation with local school districts as follows: site improvements including related A/E fees and reimbursements, land acquisition and associated legal fees for the project site acquired, movable equipment, and utility service lines, both on-site and off-site, and special foundation construction and related A/E fees deemed necessary as a result of unusual sub-surface soil conditions.
  - ii) The recognized project costs initially calculated by the Board EBB will establish the maximum acceptable cost of the eligible expenditures. If the bid price received by the district from the various contractors for the eligible expenditures is less than the bid estimate amount included in this initial calculation, then the recognized project cost will be reduced by the amount of the difference.
  - iii) The Board shall establish and include in the School Construction Law Project Standards list-of-Bigbie Expenditures (see also subsection (c)(7)) unit cost guidelines for determining the recognized project cost limitations-for-elementary--secondary--and--vocational school--construction--based--upon--periodic-review-and-revision--of--maximum--cost--per--gross--square--foot allowances.
- B) Project Standards for New Construction and Additions
  - i) General
 

The Board EBB shall establish detailed project standards including space and capacity standards in the School Construction Law Project Standards list-of-Bigbie-Expenditures (see also subsection (c)(7)). New schools with adequate space for all necessary instructional and ancillary activities require more space per students than additions to existing schools. Different space standards are required to accommodate different grade levels, i.e., Pre-K-6, 7-9, and 9-12. Economies of scale in terms of space per student can be anticipated for larger schools.



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per-additional-student-beyond-240 02

MIDDLE/JUNIOR-HIGH-SCHOOLS-{7-9}

Gross-square-feet 120  
per-student 100  
per-additional-student-beyond-400 100

HIGH-SCHOOLS-{9-12}

Gross-square-feet 140  
per-student 110  
per-additional-student-beyond-600 110

C) Renovation Projects Remodeling-or-Rehabilitation

The recognized project cost for renovation projects is calculated by an estimation of the eligible project costs. Eligible renovation costs are for renovations to existing facilities determined to be functionally over 100 years old (as determined by ISBE) or for renovation projects in existing facilities that provide additional classroom capacity.

The recognized project cost for remodeling/rehabilitation projects must be developed on an individual basis with space per student not to exceed standards set for construction as set forth in subsection (c)(7)(B) and unit costs not to exceed standards for new construction as established from time to time by the Board.

D) Unit Costs Premises-for-Space-Standards

Unit costs (\$/sq.ft.) used for determining the recognized project cost, including A/E design fees, building construction to the five foot line, fixed equipment, and a contingency shall be established by the Board and included in the School Construction Law Project Standards (see also subsection (c)(7)). In establishing unit costs the Board shall be guided by current costs within the construction industry and the goal of receiving fair value for public funds expended.

1) All necessary types of space shall be included for freestanding schools.

2) An average space per student can be derived from space type need by level: elementary, middle/junior-high and high school.

3) Space needs for additions to existing schools may be less than needs for freestanding schools.

4) A building efficiency (net assignable space to total space) of 65% is the acceptable minimum.

5) Unit costs (\$/sq.ft.) used for determining the

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i) Square Footage

The following maximum standards are established for the determination of the State share of the recognized project cost in connection with a construction grant:

Square Foot Per Student

For a New School:

New Elementary School 100  
Gross square footage per student  
Gross square footage per additional student beyond 240 students 82

New Middle/Junior High School 120  
Gross square footage per student  
Gross square footage per additional student beyond 400 students 100

New High School 140  
Gross square footage per student  
Gross square footage per additional student beyond 600 students 110

Classroom Additions:

Elementary School  
Gross square footage per student for additions for 250 or more students 100  
Gross square footage per student for additions for less than 250 students 82

Middle School  
Gross square footage per student for additions for 250 or more students 120  
Gross square footage per student for additions for less than 250 students 100

High School  
Gross square footage per student for additions for 250 or more students 140  
Gross square footage per student for additions for less than 250 students 110

REMEMBERARY-{Pre-K-6}

Gross-square-feet 100  
per-student

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recognized project cost, including--A/B--design--fees--building--construction--to--the--five-foot-line--fixed equipment--associated--legal--fees--and--a--contingency shall--be--no--greater--than--those--unit--costs--established from--time--to--time--by--the--Board---Said--unit--costs--are determined--as--needed--and--are--established--by--the--Board and--included--in--the--list--of--eligible--expenditures--(see subsection--(c)(7))---in--establishing--unit--costs--the Board--members--shall--be--guided--by--current--costs--within the--construction--industry--and--the--goal--of--receiving fair--value--for--public--funds--expended.

## E) Limits on SCP Participation and Site Cost

Districts will not receive grant funding Board--assistance--or credit for acreage acreages beyond the following maximums: Elementary (P-E-K-6) - 5 acres plus 1 acre per 100 students, Middle/Junior High (7-9) - 15 acres plus 1 acre per 100 students, and

High School (9-12) - 20 acres plus 1 acre per 100 students.

## F) The State and local share of the recognized project cost shall be computed by multiplying the recognized project cost by the grant index Grant--index as defined by the School Construction Law and determined by the ISBE State--Board--of Education. For each grant issued after September 1, 1999, the equalized assessed valuation and average daily attendance used in calculating a district's grant index Grant--index shall be taken from the district's general State aid claim filed in the fiscal year in which the grant entitlement is made. The average daily attendance to be used shall be the district's best three months' average daily attendance. A grant index Grant--index shall lapse if a grant is not awarded within 36 months after entitlement, and a new grant index Grant--index shall be issued based upon the district's most recent general State aid claim.

## G) School board districts must have access to the local share of the recognized project cost before a grant award will be given. Proof of the local share will be required by the Board. Within 90 days after the grant award--by--the--Board--Such--period--may--be--extended--by--the--Executive--Director--for--a maximum period of 30 days--if--the--district--demonstrates--that appropriate--steps--have--been--taken--to--obtain--the--district's share--of--the--recognized--project--cost--and--that--an--additional 30--days--is--necessary--to--complete--the--process--Local--school districts--are--urged--to--begin--referendum--proceedings--upon grant--entitlement--by--the--State--Board--of--Education--

## H) The local share of the recognized project cost may be placed in a local trust account pursuant to 71 Ill. Adm. Code 30.

## I) School districts may add to a project cost beyond the

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recognized project cost with local funds. Funds for such project supplements may be deposited in local trust accounts.

J) All enrichment project costs that are not included in the recognized project cost and designated as ineligible expenditures by the Capital-Development Board will be paid by the school local district.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Services Delivered by the Department
- 2) Code Citation: 89 Ill. Adm. Code 302
- 3) Section Numbers: Proposed Action:  
302.310 Amend  
302.405 Amend
- 4) Statutory Authority: 20 ILCS 5/5
- 5) A Complete Description of the Subjects and Issues Involved: The Department is amending the eligibility criteria for adoption and subsidized guardianship by lowering the age at which children qualify as a special needs child for adoption assistance and by reducing the number of years a child must be in the care of the Department before he/she can qualify for subsidized guardianship.
- For adoption assistance, a child meets the criteria as a special needs child if the child is one year of age or older. The current criteria is three years of age or older.
- For subsidized guardianship, the child must have been in the legal custody of the State for one year immediately prior to establishing subsidized guardianship, rather than two years, as is the current requirement.
- In addition, the Department will pay for day care for children under the age of three years if the adoptive parent or subsidized guardian is employed or in an education-related program. This day care payment cannot be used in addition to therapeutic day care. Payment for day care services will end on the child's third birthday.
- 6) Will these proposed amendments replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amended rule sections contain incorporations by reference? No
- 9) Are there any proposed amendments to this Part pending? Yes
- | Section Numbers | Proposed Action | Illinois Register Citation       |
|-----------------|-----------------|----------------------------------|
| 302.310         | Amend           | March 23, 2001 25 Ill. Reg. 4065 |
| 302.405         | Amend           | March 23, 2001 25 Ill. Reg. 4065 |
- 10) Statement of Statewide Policy Objectives: The proposed amendment does not expand a state mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805].

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- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:
- Jeff Osowski  
Office of Child and Family Policy  
Department of Children and Family Services  
406 East Monroe Street, Station #65  
Springfield, Illinois 62701-1498  
Telephone: 217/524-1983  
TDD: 217/524-3715  
FAX: 217/557-0692  
E-Mail address: cfpolicy@dcfs.state.il.us
- The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that the proposed amendments do not have an economic impact on small business.

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The need for filing these amendments was not known at the time.

The full text of the Proposed Amendments appear on the next page:



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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TITLE 89: SOCIAL SERVICES  
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
 SUBCHAPTER a: SERVICE DELIVERY

PART 302  
 SERVICES DELIVERED BY THE DEPARTMENT

## SUBPART A: GENERAL PROVISIONS

Section	Purpose
302.10	Definitions
302.20	Introduction
302.30	Department Service Goals
302.40	Functions in Support of Services
302.50	

## SUBPART B: REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT (RECODIFIED)

Section	
302.100	Reporting Child Abuse or Neglect to the Department (Recodified)
302.110	Content of Child Abuse or Neglect Reports (Recodified)
302.120	Transmittal of Child Abuse or Neglect Reports (Recodified)
302.130	Special Types of Reports (Recodified)
302.140	Referrals to the Local Law Enforcement Agency and State's Attorney (Recodified)
302.150	Delegation of the Investigation (Recodified)
302.160	The Investigative Process (Recodified)
302.170	Taking Children Into Temporary Protective Custody (Recodified)
302.180	Notification of the Determination Whether Child Abuse or Neglect Occurred (Recodified)
302.190	Referral for Other Services (Recodified)

## SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section	
302.300	Adoptive Placement Services (Repealed)
302.305	Adoption Listing Service for Hard-to-Place Children or Children with Disabilities for Whom the Department is Not Legally Responsible
302.310	Adoption Assistance Agreements
302.311	Nonrecurring Adoption Expenses (Repealed)
302.315	Adoption Registry (Repealed)
302.320	Counseling or Casework Services
302.330	Day Care Services
302.340	Emergency Caretaker Services
302.350	Family Planning Services
302.360	Health Care Services
302.370	Homemaker Services
302.380	Information and Referral Services

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Placement Services (Repealed)  
 Successor Guardianship (Repealed)  
 Subsidized Guardianship Program

## SUBPART D: INTENSIVE FAMILY PRESERVATION SERVICES

Section	Purpose
302.500	Implementation of the Family Preservation Act
302.510	Types of Intensive Family Preservation Services
302.520	Phase In Plan for Statewide Family Preservation Services
302.530	Time Frames
302.540	

APPENDIX A	Acknowledgement of Mandated Reporter Status (Recodified)
APPENDIX B	Calculating the Amount of Adoption Assistance (Repealed)

**AUTHORITY:** Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 305]; the Adoption Assistance and Child Welfare Act of 1980 (42 USC 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

**SOURCE:** Adopted and codified at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5557, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1551, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified to 89 Ill. Adm. Code 300 at 11 Ill. Reg. 3492, Sections 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, Appendix A; amended at 13 Ill. Reg. 18847, effective November 15, 1989; amended at 14 Ill. Reg. 3438, effective March 1, 1990; amended at 14 Ill. Reg. 16430, effective September 25, 1990; amended at 14 Ill. Reg. 19010, effective November 15, 1990; amended at 16 Ill. Reg. 274, effective December 31, 1992; emergency amendment at 17 Ill. Reg. 2513, effective February 10, 1993, for a maximum of 150 days; emergency expired on July 9, 1993; amended at 17 Ill. Reg. 13438, effective July 31, 1993; amended at 19 Ill. Reg. 9107, effective June 30, 1995; amended at 19 Ill. Reg. 9485, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10746, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; emergency amendment at 19 Ill. Reg. 16735, effective November 28, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 4606, effective March 15, 1996; amended at 20 Ill. Reg. 6670, effective May 1, 1996; emergency amendment at 21 Ill. Reg. 1033, effective January 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3265, effective March

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1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6204, effective May 15, 1997; amended at 21 Ill. Reg. 10912, effective July 29, 1997; amended at 22 Ill. Reg. 7140, effective April 13, 1998; emergency amendment at 22 Ill. Reg. 7289, effective April 13, 1998, for a maximum of 150 days; emergency expired September 10, 1998; amended at 22 Ill. Reg. 8803, effective May 15, 1998; amended at 22 Ill. Reg. 21314, effective December 1, 1998; emergency amendment at 25 Ill. Reg. 4292, effective March 15, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

## Section 302.310 Adoption Assistance Agreements

a) Adoption assistance may be provided to those persons adopting children who are legally free for adoption, for whom the Department is legally responsible, who are residents of Illinois, and who the Department has determined have special needs because of which it is reasonable to conclude that the child cannot be adopted unless adoption assistance is provided. Although eligibility for adoption assistance shall be determined regardless of the financial circumstances of the adoptive parents, the types and amounts of assistance under each adoption assistance agreement shall be determined by the Department and the adoptive parents on an individual basis. The Department shall take into consideration the specific circumstances of the adoptive parents and any special care needs of the child being adopted as described in subsection (b)(2) of this Section. The types of adoption assistance that may be provided include:

- 1) one-time only payments of non-recurring adoption expenses incurred by or on behalf of the adoptive parents in connection with the adoption of a special needs child, up to a maximum of \$1500 for each adopted child;
- 2) payments for physical, emotional and mental health needs not wholly payable through insurance or other public resources that are associated with or result from a condition whose onset has been established as occurring prior to the completion of the adoption. Such payments include medical benefits as provided under Title XIX of the Social Security Act (Medicaid) and include services such as physician and clinic fees, hospitalization costs, and prescriptions;
- 3) in cases where a child also meets the eligibility requirements of subsection (d) of this Section, ongoing monthly payments in an amount determined in each case by the Department not to exceed the applicable licensed foster care payment level the child would be receiving if the child were in foster care and subject to adjustment at a review every two years, or more frequently based on changes in the circumstances of the adopted parents and the needs of the child being adopted. However, while payments may be increased based on changes in the level of care the child needs,

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payments will not be decreased based on changes in the level of care. In no event shall the monthly adoption assistance payment be greater than the applicable licensed foster family care payment level; and

4) payment for day care for children under the age of three years, if the adoptive parent is employed or in an education-related program. This day care payment cannot be used in addition to therapeutic day care. Payment for day care services will end on the child's third birthday.

- b) For purposes of this Section, a child shall not be considered a child with special needs unless the Department has first determined that:
- 1) the child cannot or should not be returned to the home of his or her parents, as determined by:
    - A) a judicial adjudication that the child is abused, neglected or dependent or other judicial determination that there is probable cause to believe that a child is abused, neglected or dependent; and
    - B) a determination by the Department that the child is likely to suffer further abuse or neglect or will not be adequately cared for if returned to the parent(s); and
  - 2) the child meets one of the following criteria:
    - A) has an irreversible or non-correctable physical, mental or emotional disability; or
    - B) has a physical, mental or emotional disability correctable through surgery, treatment, or other specialized services; or
    - C) is one year three-years of age or older; or
    - D) is a member of a sibling group being adopted together where at least one child meets one of the criteria in subsection (b)(2)(A) through (C) above; or
    - E) is a child being adopted by adoptive parents who have previously adopted, with adoption assistance, another child born of the same mother or father; and
  - 3) a reasonable, but unsuccessful, effort has been made to place the child with adoptive parents without providing adoption assistance and the prospective adoptive parents are either unwilling or unable to adopt the child without adoption assistance, as evidenced by a written statement from the adoptive parents. A documented search for alternative adoptive placements without adoption assistance shall be made unless the Department determines that such a search is against the best interests of the child because the child has developed significant emotional ties with the prospective adoptive parents while in their foster care.
  - c) Adoption assistance as a one-time only payment for non-recurring adoption expenses shall be provided to parents adopting a child who is determined by the Department to have special needs as provided in subsection (b) of this Section. This includes expenses incurred by or

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on behalf of such parents, in connection with the adoption of a special needs child, either directly or through another public or private agency. These expenses include reasonable and necessary adoption fees, court costs, attorney fees, and other expenses that are directly related to the legal adoption of a child with special needs and that are not incurred in violation of State or Federal law. The amount of payments to be made in any specific case shall be determined by the needs of the child being adopted and the availability of pro bono services, and shall not exceed \$1500 per adoptive child. The adoptive parents may refuse any or all payments available under this subsection (c) of this Section.

d) Adoption assistance for ongoing monthly payments and medical assistance may be provided to parents adopting a child who:

- 1) is determined by the Department to have special needs as provided in subsection (b) of this Section; and
- 2) meets one of the following conditions:

A) was eligible at the time the adoption petition was filed for Aid to Families with Dependent Children (AFDC) under the provisions of Title IV-A of the Social Security Act in effect as of July 16, 1996; or

B) was eligible for foster care maintenance payments under Title IV-E of the Social Security Act at the time the adoption petition was filed; or

C) was eligible for Supplemental Security Income (SSI) prior to finalization of the adoption; or

D) is a child for whom the Department of Children and Family Services was legally responsible when the adoption petition was filed; and

- 3) in all cases, other than a child determined to have special needs under subsection (b)(2) of this Section because of a documented physical, mental, or emotional disability, the child has been in the care of the Department or another agency or person other than his or her parents pursuant to an order of the court for at least one year prior to the adoption unless the child is being adopted after October 1, 1997 and is a child who had previously been adopted with adoption assistance, but the adoption was dissolved and the parental rights of the adoptive parents were terminated, or the adoptive parents died. However, the one year placement requirement is not applicable for sibling groups where at least one sibling is determined to be special needs because of a documented physical, mental, or emotional disability and meets all requirements for adoption assistance.

e) The Department shall make an initial determination whether to provide ongoing monthly payments and the amount of the payment in each individual case by taking into consideration the circumstances of the adoptive parents and the needs, age, and type of placement of the child being adopted as adjusted for any benefits the child will be receiving, such as Social Security, Veterans' benefits, railroad

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retirement or black lung benefits. Supplemental Security benefits (SSI) are not to be considered in the determination of the ongoing monthly payment. If a child is receiving SSI, the receipt of adoption assistance is taken into consideration by the Social Security Administration when calculating the amount of the SSI benefit.

f) In cases where the determination under subsection (b)(2) of this Section is based on a diagnosis that the child may eventually require care for a documented medical condition or disability related to pre-existing physical, mental, or emotional conditions or risk factors that do not yet require treatment at the time of the adoption, no such payments shall be made at that time. The adoption assistance agreement may provide that such payments be initiated when the child's pre-existing condition or identified risk factors warrant treatment or professional intervention. If such payments are commenced, the ongoing monthly payment shall in no event exceed the amount the child would receive if the child was in foster care at the time the payments are initiated.

g) The adoption assistance agreement providing for ongoing monthly payments and medical assistance shall include an agreement with the adoptive parents that the amount of any ongoing monthly payments shall be reviewed at least every two years and may be readjusted every two years or more frequently, based on changes in the circumstances of the adoptive parents and the needs of the child being adopted. However, while payments may be increased based on changes in the level of care the child needs, payment will not be decreased based on changes in the level of care. If the adoptive parents or the adopted child disagree with the Department's determination, they may appeal the determination in accordance with 89 Ill. Adm. Code 337 (Service Appeal Process). Adoptive parents may refuse any or all payments offered by the Department.

h) A prospective adoptive family being presented with a child determined to be a special needs child shall be made aware of the availability of adoption assistance and the types of adoption assistance and, in the case of ongoing monthly adoption assistance payments, that such payments are subject to review at least every two years and may be terminated or readjusted based on subsections (i) and (j). In order to receive adoption assistance, the child must be placed in the adoptive home and the adoption assistance agreement signed prior to finalization of the adoption.

i) The type(s), amount and duration of adoption assistance shall be agreed to in writing by the Department and the adoptive parent(s) prior to the finalization of the adoption, and shall be set forth in the adoption assistance agreement, which shall be binding on the parties to the agreement. The agreement shall also stipulate that the agreement shall remain in effect regardless of the state where the adoptive parents reside currently or in the future and shall contain provisions for the protection of the interests of the child in cases where the adoptive parents and child move to another state while the



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agreement is in effect. The duration of adoption assistance may extend until age 18 years, or until age 19 years if the child is still in high school, although adoption assistance may be provided at the Department's option until the child's 21st birthday if the child has a physical, mental or emotional disability that warrants the continuation of assistance. The adoptive parents or the adoptive child may appeal the Department's decision to discontinue adoption assistance at age 18 or 19 for a child still in high school.

j) The adoptive parent shall notify the Department as soon as practically possible in writing of a change in address or when the following changes occur which will affect the amount of adoption assistance:

- 1) the child is no longer the legal responsibility of the adoptive parent;
- 2) the child is no longer receiving financial support from the adoptive parent;
- 3) the child's condition has changed to the extent that, if the child were in foster care, an increase in the child's level of care would be required; or
- 4) a change has occurred in the circumstances of the family that is relevant in determining the amount of assistance payments. Such circumstances pertain to the parents' ability to incorporate the child into their household in relation to their standard of living, future plans and overall capacity to meet the immediate and future needs of the child.

k) If an adoption is dissolved because of the termination of the parental rights of the adoptive parents or the death of the adoptive parents, a child adopted with adoption assistance continues to be eligible for such assistance if he or she is adopted again on or after October 1, 1997.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 302.405 Subsidized Guardianship Program

a) Description. Subsidized guardianship is a program for which the Department has received waivers from the federal Department of Health and Human Services under Section 1130 of the Social Security Act to operate a child welfare demonstration project. The program offers a subsidized private guardianship arrangement for children for whom the permanency goals of return home and adoption have been ruled out as evidenced by an assessment documented in the service plan. The types of assistance that may be provided include:

- 1) payments of one-time court costs and legal fees, if required, in connection with the establishment of guardianship, up to a maximum of \$500;
- 2) payments for physical, emotional and mental health needs not wholly payable through insurance or other public resources that

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are associated with or result from a medical condition whose onset has been established as occurring prior to the transfer of guardianship. Such payments include medical benefits as provided under Title XIX of the Social Security Act (Medicaid) and include services such as physician and clinic fees, hospitalization costs, and prescriptions; and

- 3) ongoing monthly payments in an amount determined in each case by the Department in accordance with subsection (e) below; and
- 4) payment for day care for children under the age of three years, if the guardian is employed or in an education-related program. This day care payment cannot be used in addition to therapeutic day care. Payment for day care services will end on the child's third birthday.

b) When Subsidized Guardianship is Appropriate  
Subsidized guardianship is a program available for only those children who meet the following criteria.

- 1) The child must have been in the legal custody of the State for one year ~~two--years--or--more~~ immediately prior to establishing subsidized guardianship.
- 2) The child must have resided with the prospective private guardian (relative caregiver or non-relative licensed foster care provider) for at least one year immediately prior to establishing the subsidized guardianship. However, the one year placement requirement is not applicable for sibling groups when at least one sibling meets all other subsidized guardianship requirements.
- 3) A child living in the home of a non-relative must be at least 12 years of age. However, the age criteria is not applicable for sibling groups when at least one sibling meets all subsidized guardianship criteria. However, if a child younger than 12 years of age is living in the home of a non-relative and has no older sibling for whom subsidized guardianship is being considered, the caseworker must determine that subsidized guardianship is in the child's best interests due to the length of time the child has been in the home, the age of the child, characteristics, limitations, and responsibilities including health and mobility of the caretakers or the special needs of the child. The basis for the best interest decision must be documented, and must be approved by the Department Guardianship Administrator.
- 4) The child must have a strong attachment to the potential guardian and the guardian must have a strong commitment to the child.
- 5) Reunification efforts of the child with his or her family must have been ruled out despite reasonable efforts having been made to reunite the child with his or her parents as documented in the case record.
- 6) Adoption must have been ruled out as a permanency goal for the child.

7) The parents may consent to the subsidized guardianship arrangement or the Department may proceed, for good cause, to

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care and relative home providers prior to and during subsidized guardianship. Services will include preliminary screening, assessment, assistance in applying for subsidized guardianship, and payment for one time only court costs and legal fees, if required.

5) The Department shall provide children in the subsidized guardianship program with a full range of services under the Medicaid program which includes health care services and mental health care services.

6) The Department shall ensure that an orientation is provided to the family of the subsidized guardian to assure that all family members understand the benefits and responsibilities of all the participants in the subsidized guardianship arrangement.

7) The Department shall ensure that each prospective guardian has access to a caseworker who will respond to requests for information and assistance.

8) The Department shall ensure that all guardians are provided access to fair hearings under 89 Ill. Adm. Code 337 (Service Appeal Process).

9) The Department shall accept custody of the child in accordance with the Abused and Neglected Child Reporting Act [325 ILCS 5] if the guardian does not care for him or her to the extent the child's health or well-being is endangered.

10) The Department shall provide financial assistance for these children in accordance with Section 302.405(e) (Subsidy for Subsidized Guardianship).

e) Subsidy for the Subsidized Guardianship Program

1) Although eligibility for a subsidy under the subsidized guardianship program shall be determined regardless of the financial circumstances of the prospective subsidized guardian, the types and amounts of assistance under each subsidized guardianship agreement shall be determined by the Department in the same manner as described for adoption assistance in Section 302.310(e) of this Part.

2) The subsidized guardianship agreement providing for ongoing monthly payments shall include an agreement with the subsidized guardian that the amount of any ongoing monthly payments shall be reviewed at least every two years or more frequently and may be readjusted annually or more frequently. The amounts of ongoing subsidized guardianship payments are subject to change based on changes in State or federal law regarding adoption assistance payments. Subsidized guardians may refuse any or all payments offered by the Department.

3) A relative caregiver or licensed foster parent with a child determined to be eligible for the subsidized guardianship program shall be made aware of the availability of subsidized guardianship, the types of assistance available, the amount of payment, and, in the case of ongoing monthly subsidized

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seek a private guardian without parental consent provided that notice is given of the guardianship petition hearing in accordance with Section 11-10.1(a) of the Probate Act [755 ILCS 5/11-10.1(a)].

8) A child 14 years of age or older must consent to the initiation of the subsidized guardianship living arrangement.

9) The prospective guardian must have no record of any felony convictions.

## c) Responsibilities of the Private Subsidized Guardian

1) Private guardians are responsible for ensuring that parents have the opportunity to visit their children in accordance with the provisions/orders of the court.

2) Private guardians shall notify the Department as soon as practically possible in writing when the following changes occur which may affect the amount of the subsidy:

A) the child is no longer the legal responsibility of the subsidized guardian;

B) the child is no longer receiving financial support from the subsidized guardian;

C) a change has occurred in the circumstances of the family that is relevant in determining the amount of assistance payments; or

D) there is a change of address.

## d) Responsibilities of Department

1) Prior to approving a subsidized guardianship arrangement for a child, the Department shall determine whether subsidized guardianship is in the best interests of the child. In making that determination the Department shall, through an assessment, consider all relevant factors including but not limited to:

A) the wishes of the child's prospective subsidized guardian;

B) the wishes of the child under the age of 14 or the consent of the child, if over age 14;

C) the interaction and interrelationship of the child with the prospective subsidized guardian;

D) the child's adjustment to the present home, school, and community;

E) the child's need for stability and continuity of relationship with the prospective subsidized guardian; and

F) the mental and physical health of all individuals involved.

2) The Department shall ensure that the subsidized guardianship arrangement is a safe and suitable placement by means of a safety check which shall include a CANTS and LEADS check.

3) The Department shall ensure that members of sibling groups are placed together, unless there is an explicit determination that they should not be placed together for the reasons described in 89 Ill. Adm. Code 301 (Placement and Visitation Services) when making placements under the subsidized guardianship program.

4) The Department will offer short-term support services for foster

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guardianship payments, that such payments are subject to review at least every two years or more frequently and may be readjusted as set forth in subsection (e)(2) above. In order to receive a subsidized guardianship payment, the subsidized guardianship agreement must be signed prior to finalization of the transfer to private guardianship.

- 4) The type, amount and duration of subsidized guardianship shall be agreed to in writing by the Department and the subsidized guardian prior to the finalization of the transfer to private guardianship, and shall be set forth in the subsidized guardianship agreement, which shall be binding on the parties to the agreement. The agreement shall also stipulate that the agreement shall remain in effect regardless of the state where the subsidized guardian resides currently or in the future and shall contain provisions for the protection of the interests of the child in cases where the subsidized guardian and child move to another state while the agreement is in effect. The duration of subsidized guardianship shall continue without further involvement by the court until termination when the child marries or dies, is emancipated, or reaches the age of 18 or 21 as specified in the agreement. The guardianship will also terminate upon the death, incapacity, resignation, or removal of the guardian.

- 5) While guardianship is terminated under the Probate Act when a child reaches age 18, financial assistance may be provided through age 19 for a child still in high school or until age 21 for children with certain mental or physical handicapping conditions only.

## f) Demonstration and Cost Neutrality Groups

Although participation in the subsidized guardianship program is Statewide, for purposes of meeting the cost neutrality, federal funding, and evaluation requirements of the federal waiver demonstrations, clients will be randomly assigned in three geographical areas of the State to a demonstration group or a cost neutrality group. The demonstration group will be subject to the waiver provisions of the demonstration, and the cost neutrality group will be subject to the regular treatment services according to the Department's rules and procedures. The three areas are:

- 1) the Cook Central Region.
- 2) the East St. Louis sub-region serving the following counties:
  - A) Madison;
  - B) St. Clair;
  - C) Bond;
  - D) Clinton;
  - E) Washington;
  - F) Monroe; and
  - G) Randolph.
- 3) the Peoria sub-region serving the following counties:

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- A) Fulton;
- B) Henderson;
- C) Knox;
- D) Warren;
- E) Henry;
- F) LaSalle;
- G) McDonough;
- H) Mercer;
- I) Rock Island;
- J) Tazewell;
- K) Woodford;
- L) Peoria;
- M) Bureau;
- N) Marshall;
- O) Putnam; and
- P) Stark.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF HUMAN SERVICES

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- 1) Heading of the Part: Child Care
- 2) Code Citation: 89 Ill. Adm. Code 50
- 3) Section Numbers: Proposed Action:  
50.230 Amendment  
50.310 Amendment
- 4) Statutory Authority: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].
- 5) A Complete Description of the Subjects and Issues involved: These proposed amendments revise child care payment provisions.
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
50.510	Amendment	25 Ill. Reg. 2549
50.520	Amendment	25 Ill. Reg. 2549
50.530	Amendment	25 Ill. Reg. 2549
50.540	Amendment	25 Ill. Reg. 2549
50.550	Amendment	25 Ill. Reg. 2549
50.560	Amendment	25 Ill. Reg. 2549
50.570	Amendment	25 Ill. Reg. 2549
50.580	Amendment	25 Ill. Reg. 2549

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.

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Springfield, Illinois 62762  
217/785-9772

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of Proposed Amendments is identical to the text of the Emergency Amendments which appear in this issue of the Illinois Register on page :

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1) Heading of the Part: Conservation Reserve Enhancement Program (CREP)

2) Code Citation: 17 Ill. Adm. Code 1515

3) Section Numbers: Proposed Action:  
1515.20 Amend  
1515.30 Amend  
1515.40 Amend  
1515.50 Amend  
1515.60 Amend  
EXHIBIT A

4) Statutory Authority: Implemented and authorized by the Intergovernmental Cooperation Act [5 ILCS 220], the Soil and Water Conservation Districts Act [70 ILCS 405], the Fish and Aquatic Life Code [515 ILCS 5], the Wildlife Code [520 ILCS 5], the Real Property Conservation Rights Act [765 ILCS 120], and the Civil Administrative Code of Illinois (Part 13.5) [20 ILCS 805/Part 13.5].

5) A Complete Description of the Subjects and Issues Involved: CREP is a new program that utilizes Federal and State resources to retire frequently flooded and environmentally sensitive cropland. The major goal of CREP is to apply conservation practices that will reduce sedimentation and nutrients in the Illinois River watershed, while creating and enhancing habitat to increase fish and wildlife populations. CREP has two sides - Federal and State. The Federal side is a 15 year Conservation Reserve Program (CRP) contract. The State side is a voluntary 15 or 35 year contract extension or a permanent conservation easement. The State originally requested that the entire Illinois River Basin be included within the eligible enrollment area, and that a ceiling of 232,000 acres be eligible for enrollment within this area. The USDA substantially reduced the area and acres in their approval of our program with the initial limits of 100,000 acres set on a national scale. The State successfully requested and received inclusion of the LaMoine, Sangamon, Mazon and Aux Sable River watersheds in the eligible area. The State is still pursuing expansion to the entire Illinois River watershed and to the full 232,000 acres originally requested.

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these Proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect

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units of local government.

11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Cindy Bushur-Hallam  
Department of Natural Resources  
524 S. Second Street  
Springfield IL 62701-1787  
217/782-1809

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendments begins on the next page:

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CRP or any other CRP enrollment opportunity; and the acres have ~~land--has~~ become an uneconomic remnant as a result of the establishment of a riparian buffer; or the enrollment of the acres ~~land~~ is required for effective functioning of a riparian buffer; and/or

- 2) Riparian ~~05-000--acres-of--~~riparian areas, defined as the 100 year floodplain of the Illinois River and its associated tributaries and streams in the watersheds specified in subsection (a) of this Section and shown in Exhibit ~~EXHIBIT A~~, or located within the watershed depicted in Exhibit A and determined to be for--For wetland restoration purposes, farmed wetlands, prior converted wetlands and wetlands farmed under natural conditions, ~~that--are located within the watersheds specified in the agreement--that--be eligible--for--enrollment--~~

b) The CRP practices ~~that--are~~ eligible for use on the CRP enrollments to receive cost-share assistance are listed below. Exceptions can be made to eligible practices or to standards within a practice if the USDA/IDNR approved conservation plan identifies extenuating circumstances that justify the exception.

- 1) For acres ~~tands~~ qualifying on the basis of erosion (must have an EI > 12):

- Establishment of Permanent Native Grasses (CRP Practice CP 2) Tree Planting (CRP Practice CP 3)  
Hardwood Tree Planting (CRP Practice CP 3A)  
Permanent Wildlife Habitat, Noneasement (CRP Practice CP 4D)  
Wildlife Food Plot (CRP Practice CP 12)  
Rare and Declining Habitat (CRP Practice CP 25) - For ~~for~~ prairie ecosystem restoration and tallgrass prairie/oak savanna ecosystem restoration ~~(CRP-Practice-CP-25)~~

- 2) For ~~acres~~ tands qualifying as riparian areas:

- Hardwood Tree Planting (CRP Practice CP 3A)  
Permanent Wildlife Habitat, Noneasement (CRP Practice CP 4D)  
Shallow Water Areas for Wildlife (CRP Practice CP 9)  
Wildlife Food Plot (CRP Practice CP 12)  
Filter Strip (CRP Practice CP 21) - Filter strips can extend to the Natural Resources Conservation Service (NRCS) maximum design standard for Illinois based on percent slope for the purposes of water quality. Installation of appropriate practices authorized in this Section may be combined adjacent to CP 21 (Filter Strip) up to a combined maximum width for both practices of 234 feet. Riparian Buffer (CRP Practice CP 22) - Riparian buffers can extend to the maximum widths allowed in the NRCS Field Office Technical Guide, which include the 100 year floodplain for water quality purposes.

- Wetland Restoration (CRP Practice CP 23) - Will be applied to farmed wetlands, prior converted wetlands, wetlands farmed under natural conditions and acres ~~tands~~ that lie in the 100 year floodplain.

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TITLE 17: CONSERVATION  
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER d: FORESTRY

PART 1515  
CONSERVATION RESERVE ENHANCEMENT PROGRAM (CRP)

Section

- 1515.10 General Provisions  
1515.20 Eligibility Requirements  
1515.30 Enrollment Process  
1515.40 Exceptions to Enrollment Process  
1515.50 Payments  
1515.60 Violation

EXHIBIT A Map of Eligible Area in Illinois River Watershed

AUTHORITY: Implementing and authorized by the Intergovernmental Cooperation Act (5 ILCS 220), the Soil and Water Conservation Districts Act (70 ILCS 405), the Fish and Aquatic Life Code (515 ILCS 5), the Wildlife Code (520 ILCS 5), the Real Property Conservation Rights Act (765 ILCS 120), and the Civil Administrative Code of Illinois (Part 13.5) [20 ILCS 805/Part 13.5].

SOURCE: Emergency rule adopted at 22 Ill. Reg. 18116; effective September 22, 1998, for a maximum of 150 days; emergency expired on February 19, 1999; adopted at 23 Ill. Reg. 3396, effective March 8, 1999; emergency amendment at 25 Ill. Reg. 7320, effective May 22, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 1515.20 Eligibility Requirements

Lands that meet the CRP eligibility criteria for CRP contracts as determined by the USDA Farm Service Agency (FSA) are eligible for the State Incentive Program, unless specifically excepted by Section 1515.40(a).

- a) The acres to be enrolled under CRP must consist of eligible land in the Illinois River Watershed as described in the Agreement between the U.S. Department of Agriculture, Commodity Credit Corporation, and State of Illinois, as amended, for the Illinois River Watershed Conservation Reserve Enhancement Program, as shown on the attached map (Exhibit A). These acres are eligible if they are: ~~from--the subwatersheds-adjacent-to-the-middle-illinois-and-peoria-bake-sections of-the-illinois-river-and-the-adjacent-watersheds--of--the--Vermilion7 Machinaw7--Spoon7--Lower-Perry7--Lower-Sengamon7-and-Kankakee-Rivers-as shown-on-the-attached-map--(EXHIBIT A)--These-acres--will--be--further subdivided-to-include:~~

- 1) Acres ~~457000--acres-of--~~tands with a weighted average Erodibility Index (EI) > 12. Such acres ~~tands~~ will only be eligible if: such acres ~~tands~~ are adjacent to a stream corridor; the landowner agrees to enroll riparian areas in the stream corridor using the



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Rare and Declining Habitat (CRP Practice CP 25) - For prairie ecosystem restoration and tallgrass prairie/oak savanna ecosystem restoration--~~floodplain--wetland--restoration--(CRP Practice-CP-25)~~.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1515.30 Enrollment Process

- a) An applicant for the program must be enrolled in the Federal portion of the Conservation Reserve Enhancement Program.
- b) For the State incentive program, the enrollment process is initiated at the county Soil and Water Conservation District (SWCD) office. The landowner participant, who must be enrolled in the Federal portion of the CRP or meet the criteria in Section 1515.40(d) or (e), completes the State enrollment form that specifies the desired option: a 15 year contract supplement, a 35 year contract supplement, or a permanent easement (minimum of 20 acres).
- c) The State enrollment form (Form) and along with the FSA approved CRP contract of the land to be enrolled shall be faxed to Office of Resource Conservation Forest-Resources-Division, Illinois Department of Natural Resources (IDNR) to document the date and time received. The Form is assigned State-form-receives an enrollment number and an approval date that obligates the State funding for that enrollment. Enrollments are accepted and numbers assigned on a first come-first served basis. If the appropriation for that fiscal year has been fully obligated, then the Form is assigned enrollment-receives a number and a date and placed on the waiting list for subsequent appropriations.
- d) The Form enrollment-form with the enrollment number and approval date or waiting list date shall be faxed back to the county SWCD office. The county SWCD shall work with the landowner to execute either a the contract supplement or permanent easement document documents and record the appropriate document them at the County Courthouse.
- e) Upon the voluntary cancellation of enrollment in the program by the landowner prior to execution of a contract supplement or permanent easement, the landowner shall be liable for repayment of the costs incurred, including costs of survey, title work, attorney fees, cost share and recording fees associated with the enrollment process.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1515.40 Exceptions to Enrollment Process

- a) Landowners Participants with acres land that are is subject to a restrictive covenant that has already given the State the rights provided for in the CRP contract supplement or permanent easement or

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are restoring the acres land for mitigation from a State or Federal federal action are ineligible for State CRP bonus payments and or State CRP cost-share payments.

- b) If a county SWCD decides chooses not to hold contract supplements or permanent easements for that county, the enrollment forms will be completed at the county SWCD office. However, the IDNR will work with the landowner to execute and record the contract supplement or permanent easement document, supplements-and-easements, record-them-at-the-County-Courthouse-and-administer-them-
- c) As provided for in the Real Property Conservation Rights Act [765 ILCS 120], any agency of the State, unit of local government, or not-for-profit corporation or trust whose primary purposes include the conservation of land and natural areas, may hold the CRP contract supplements or permanent easements for a group of willing CRP landowners participants. Such entity must contact IDNR with a signed list of willing landowners participants. IDNR will assist the entity with the enrollment process. The entity must execute the contract supplements or permanent easements, administer them, and provide annual reports to IDNR by September 30 of each year.
- d) Landowners with acres enrolled in continuous CRP sign-ups that were included in the CRP eligible area after September 1999 are eligible to enroll the CRP acres and additional non-cropped acres for permanent easements if the CRP acres and non-cropped acres meet all other eligibility requirements and if appropriate IDNR staff has determined the acceptability of the CRP acres and non-cropped acres for a permanent easement.
- e) Landowners with acres enrolled in CRP sign-ups within the floodplain in the CRP eligible area are eligible to enroll the CRP acres and additional non-cropped acres for permanent easements if required for a Federal and/or State watershed project, if the CRP acres and non-cropped acres meet all other eligibility requirements, and if appropriate IDNR staff has determined the acceptability of the CRP acres and non-cropped acres for a permanent easement.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1515.50 Payments

Payments will be provided to the landowner participant upon execution of the contract supplement or permanent easement based upon the following formulas:

- a) Bonus Payments
  - 1) Permanent Easements
    - A) The payment to a landowner participant for a voluntary permanent easement will be a lump sum payment equal to the CRP maximum annual rental rate as determined by FSA based on soil types (exclusive of any Federal federal incentive payments) times 15 years times 30 percent times number of

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acres enrolled. A minimum of 20 acres is required for sign-up unless the total eligible acreage held by the landowner is less than 20 acres, all acres are included in the sign-up, and the acres have been approved by IDNR due to location and relationship with adjacent enrollments.

- B) If the landowner participant elects a permanent easement option, additional non-cropped acres acreage or acres ground in another CRP sign-up may be offered for the permanent easement. The landowner participant will receive a lump sum payment based on the formula set forth for the CRP State bonus payment for permanent easements, incentives-but using the soil types type on the additional acres acreage. The landowner participant must agree to for a conservation plan written and approved by the SWCD USB and IDNR and to be established at the time of enrollment for the total acreage in the permanent easement, but will receive no CRP State cost-share payment for any practice established on the additional non-cropped acres acreage or other CRP acres land. If applicable, the landowner may use another Federal and/or State cost-share program to implement acceptable practices on additional acres. The criteria for a permanent easement on additional acres are non-cropped-ground--or ground-in-another-CRP-sign-up:

- i) riparian acres: 100 year floodplain of the Illinois River and its tributaries within the targeted eligible area must be adjacent to the stream--tributary--or Illinois-River;
  - ii) acres must be adjacent to cropped acres acreage enrolled in a CRP permanent easement; or adjacent to the stream but on opposite stream bank (same landowner);
  - iii) acres have an EI ≥ 12 and need to be enrolled to meet the 20 acre minimum for permanent easements;
  - iv) acres have an EI ≥ 12 and have been approved by IDNR because of location and relationship with the remainder of enrollment; and
- v) if acres must already be in acceptable practices based on soil types and wildlife benefits or the landowner participant must be willing to put the acres land in an acceptable practice at landowner's his own expense. If applicable, the landowner may use another Federal and/or State cost-share program to implement the practices. (Per-examples-if the-landowner-wants-to-include-additional--non-cropped land--in--trees--along--with--a-wetland-restoration-on eligible-CRP-land-he-may-enroll-the-non-cropped-land in-the-permanent-easement-with--the--cropped--acreage but--must-pay-any-restoration-costs-on-the-non-cropped

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land--> A site visit by appropriate IDNR field staff may be required to determine the acceptability of the additional acres acreage (non-cropped acres ground or acres land in another CRP sign up) offered for permanent easement.

- 2) 15 Year Contract Supplement  
The payment to a landowner participant for a 15 year contract supplement will be a lump sum payment that will equal 50 percent of the payment for a voluntary, permanent easement (CRP maximum annual rental rate, exclusive of any Federal Federal incentive payments, times 15 years, times 30 percent times number of acres enrolled).
- 3) 35 Year Contract Supplement  
The payment to a landowner participant for a 35 year contract supplement will be a lump sum payment that will equal 75 percent of the payment for a voluntary, permanent easement (CRP maximum annual rental rate, exclusive of any Federal Federal incentive payments, times 15 years, times 30 percent times number of acres enrolled).

## b) Cost-Share Payments

Landowners Participants who enter the State incentive program will also receive cost-share payments for the installation of CRP approved practices based on the following formulas:

- 1) Landowners Participants who enter into a voluntary CRP permanent easement will receive reimbursement at a 50 percent cost-share rate based upon FSA guidelines for the installation of CRP approved practices from the State. The amount of reimbursement to a landowner participant from all sources may not exceed 100 percent of the cost-share rate of the practice established by FSA.
- 2) Landowners Participants who enter into a 15 year contract supplement or 35 year contract supplement on acres lands defined as riparian areas, farmed wetlands, prior converted wetlands, or wetlands farmed under natural conditions will receive reimbursement at a 40 percent cost-share rate based upon FSA guidelines for the installation of CRP approved practices from the State. The amount of reimbursement to a landowner participant from all sources may not exceed 100 percent of the cost-share rate of the practice established by FSA.
- 3) Landowners Participants who enter into a 15 year contract supplement or 35 year contract supplement on acres lands defined on the basis of erodibility (weighted average erodibility index, EI ≥ 12) will not receive State CRP any-reimbursement--from--the State----for cost-share reimbursement for CRP practice implementation. Landowners Participants may receive reimbursement from other sources.
- 4) Landowners enrolling acres that meet all eligibility requirements in Section 1515.40(d) or (e) are not eligible for State CRP







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GRAPHIC MATERIAL

effective

See printed copy of IAC for detail

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Proposed Action:  
140.11 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments address the enrollment of medical providers in the Department's Medical Assistance Program. The amendments provide clarifications that, for corporate provider entities such as pharmacies and nursing facilities, participation approval is not transferable and enrollment applies only to the entity's existing ownership, corporate structure and location. However, the amendments specify that except for children's hospitals, which must be separately enrolled when affiliated with a general care hospital, hospitals that are certified under a single Medicare number are enrolled as an individual entity in the Medical Assistance Program. For instance, if two hospitals at two separate locations enter into a merger agreement including certification under a single Medicare number, the merged hospitals are enrolled as an individual entity in the Medical Assistance Program.

These proposed amendments will not result in any budgetary changes.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.400 Amendment		March 16, 2001 (25 Ill. Reg. 3806)
140.435 Amendment		March 16, 2001 (25 Ill. Reg. 3806)
140.436 Amendment		March 16, 2001 (25 Ill. Reg. 3806)
140.445 Amendment		June 29, 2001 (25 Ill. Reg. 7808)
140.447 Amendment		June 29, 2001 (25 Ill. Reg. 7808)
140.475 Amendment		June 1, 2001 (25 Ill. Reg. 6855)
140.476 Amendment		June 1, 2001 (25 Ill. Reg. 6855)
140.477 Amendment		June 1, 2001 (25 Ill. Reg. 6855)
140.478 Amendment		June 1, 2001 (25 Ill. Reg. 6855)
140.479 Amendment		June 1, 2001 (25 Ill. Reg. 6855)
140.480 Amendment		June 1, 2001 (25 Ill. Reg. 6855)

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- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:  
  
Joanne Jones  
Office of the General Counsel, Rules Section  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763-0002  
(217)524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Corporate entities such as hospitals, pharmacies, laboratories and nursing facilities will be affected by this proposed rulemaking. The Department is unsure whether any of the affected entities may qualify as small businesses.

B) Reporting, bookkeeping or other procedures required for compliance:  
None

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C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this Rulemaking was Summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: This rulemaking was not anticipated by the Department when the most recent regulatory agendas were published.

The full text of the proposed amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID

SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

## Section

- 140.1 Incorporation By Reference  
140.2 Medical Assistance Programs  
140.3 Covered Services Under Medical Assistance Programs  
140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)  
140.5 Covered Medical Services Under General Assistance  
140.6 Medical Services Not Covered  
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight  
140.8 Medical Assistance For Qualified Severely Impaired Individuals  
140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy  
140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

## Section

- 140.11 Enrollment Conditions for Medical Providers  
140.12 Participation Requirements for Medical Providers  
140.13 Definitions  
140.14 Denial of Application to Participate in the Medical Assistance Program  
140.15 Recovery of Money  
140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program  
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program  
140.18 Effect of Termination on Individuals Associated with Vendor  
140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring  
140.20 Submittal of Claims  
140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)  
140.22 Magnetic Tape Billings (Repealed)  
140.23 Payment of Claims  
140.24 Payment Procedures  
140.25 Overpayment or Underpayment of Claims  
140.26 Payment to Factors Prohibited



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140.27 Assignment of Vendor Payments  
140.28 Record Requirements for Medical Providers  
140.30 Audits  
140.31 Emergency Services Audits  
140.32 Prohibition on Participation, and Special Permission for Participation  
140.33 Publication of List of Terminated, Suspended or Barred Entities  
140.35 False Reporting and Other Fraudulent Activities  
140.40 Prior Approval for Medical Services or Items  
140.41 Prior Approval in Cases of Emergency  
140.42 Limitation on Prior Approval  
140.43 Post Approval for items or Services When Prior Approval Cannot Be Obtained  
140.55 Recipient Eligibility Verification (REV) System  
140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice  
140.72 Voucher Advance Payment and Expedited Payments  
140.73 Drug Manual (Recodified)  
Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

Section  
140.80 Hospital Provider Fund  
140.82 Developmentally Disabled Care Provider Fund  
140.84 Long Term Care Provider Fund  
140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund  
140.95 Hospital Services Trust Fund  
140.96 General Requirements (Recodified)  
140.97 Special Requirements (Recodified)  
140.98 Covered Hospital Services (Recodified)  
140.99 Hospital Services Not Covered (Recodified)  
140.100 Limitation On Hospital Services (Recodified)  
140.101 Transplants (Recodified)  
140.102 Heart Transplants (Recodified)  
140.103 Liver Transplants (Recodified)  
140.104 Bone Marrow Transplants (Recodified)  
140.110 Disproportionate Share Hospital Adjustments (Recodified)  
140.116 Payment for Inpatient Services for GA (Recodified)  
140.117 Hospital Outpatient and Clinic Services (Recodified)  
140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)  
140.201 Payment for Hospital Services After June 30, 1982 (Repealed)  
140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)  
140.203 Limits on Length of Stay by Diagnosis (Recodified)  
140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)  
140.350 Copayments (Recodified)  
140.360 Payment Methodology (Recodified)

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140.361 Non-Participating Hospitals (Recodified)  
140.362 Pre July 1, 1989 Services (Recodified)  
140.363 Post June 30, 1989 Services (Recodified)  
140.364 Prepayment Review (Recodified)  
140.365 Base Year Costs (Recodified)  
140.366 Restructuring Adjustment (Recodified)  
140.367 Inflation Adjustment (Recodified)  
140.368 Volume Adjustment (Repealed)  
140.369 Groupings (Recodified)  
140.370 Rate Calculation (Recodified)  
140.371 Payment (Recodified)  
140.372 Review Procedure (Recodified)  
140.373 Utilization (Repealed)  
140.374 Alternatives (Recodified)  
140.375 Exemptions (Recodified)  
140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)  
140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)  
140.391 Definitions (Recodified)  
140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)  
140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)  
140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)  
140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section  
140.400 Payment to Practitioners, Nurses and Laboratories  
140.410 Physicians' Services  
140.411 Covered Services By Physicians  
140.412 Services Not Covered By Physicians  
140.413 Limitation on Physician Services  
140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians  
140.416 Optometric Services and Materials  
140.417 Limitations on Optometric Services  
140.418 Department of Corrections Laboratory  
140.420 Dental Services  
140.421 Limitations on Dental Services  
140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists  
140.425 Podiatry Services  
140.426 Limitations on Podiatry Services  
140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry  
140.428 Chiropractic Services

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140.429 Limitations on Chiropractic Services (Repealed)  
 140.430 Independent Clinical Laboratory Services  
 140.431 Services Not Covered by Independent Clinical Laboratories  
 140.432 Limitations on Independent Clinical Laboratory Services  
 140.433 Payment for Clinical Laboratory Services  
 140.434 Record Requirements for Independent Clinical Laboratories  
 140.435 Nurse Services  
 140.436 Limitations on Nurse Services  
 140.437 Imaging Centers  
 140.438 Pharmacy Services  
 140.440 Pharmacy Services Not Covered  
 140.441 Prior Approval of Prescriptions  
 140.442 Filling of Prescriptions  
 140.443 Compounded Prescriptions  
 140.444 Legend Prescription Items (Not Compounded)  
 140.445 Over-the-Counter Items  
 140.446 Reimbursement  
 140.447 Returned Pharmacy Items  
 140.448 Payment of Pharmacy Items  
 140.449 Record Requirements for Pharmacies  
 140.450 Prospective Drug Review and Patient Counseling  
 140.451 Mental Health Clinic Services  
 140.452 Definitions  
 140.453 Types of Mental Health Clinic Services  
 140.454 Payment for Mental Health Clinic Services  
 140.455 Hearings  
 140.456 Therapy Services  
 140.457 Prior Approval for Therapy Services  
 140.458 Payment for Therapy Services  
 140.459 Clinic Services  
 140.460 Clinic Participation, Data and Certification Requirements  
 140.461 Covered Services in Clinics  
 140.462 Clinic Service Payment  
 140.463 Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)  
 140.464 Speech and Hearing Clinics (Repealed)  
 140.465 Rural Health Clinics  
 140.466 Independent Clinics  
 140.467 Hospice  
 140.468 Home Health Services  
 140.470 Home Health Covered Services  
 140.471 Types of Home Health Services  
 140.472 Prior Approval for Home Health Services  
 140.473 Payment for Home Health Services  
 140.474 Medical Equipment, Supplies and Prosthetic Devices  
 140.475 Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made  
 140.476 Limitations on Equipment, Supplies and Prosthetic Devices  
 140.477 Prior Approval for Medical Equipment, Supplies and Prosthetic Devices  
 140.478

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140.479 Limitations, Medical Supplies  
 140.480 Equipment Rental Limitations  
 140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids  
 140.482 Family Planning Services  
 140.483 Limitations on Family Planning Services  
 140.484 Payment for Family Planning Services  
 140.485 Healthy Kids Program  
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 140.487 Healthy Kids Program Timeliness Standards  
 140.488 Periodicity Schedule, Immunizations and Diagnostic Laboratory Procedures  
 140.490 Medical Transportation  
 140.491 Limitations on Medical Transportation  
 140.492 Payment for Medical Transportation  
 140.493 Payment for Helicopter Transportation  
 140.495 Psychological Services  
 140.496 Payment for Psychological Services  
 140.497 Hearing Aids  
  
 Section  
 140.500 Long Term Care Services  
 140.502 Cessation of Payment at Federal Direction  
 140.503 Cessation of Payment for Improper Level of Care  
 140.504 Cessation of Payment Because of Termination of Facility  
 140.505 Informal Hearing Process for Denial of Payment for New ICF/MR Admissions  
 140.506 Provider Voluntary Withdrawal  
 140.507 Continuation of Provider Agreement  
 140.510 Determination of Need for Group Care  
 140.511 Long Term Care Services Covered by Department Payment  
 140.512 Utilization Control  
 140.513 Utilization Review Plan (Repealed)  
 140.514 Certifications and Recertifications of Care  
 140.515 Management of Recipient Funds--Personal Allowance Funds  
 140.516 Recipient Management of Funds  
 140.517 Correspondent Management of Funds  
 140.518 Facility Management of Funds  
 140.519 Use or Accumulation of Funds  
 140.520 Management of Recipient Funds--Local Office Responsibility  
 140.521 Room and Board Accounts  
 140.522 Reconciliation of Recipient Funds  
 140.523 Bed Reserves  
 140.524 Cessation of Payment Due to Loss of License  
 140.525 Quality Incentive Program (QUIP) Payment Levels  
 140.526 Quality Incentive Standards and Criteria for the Quality Incentive

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140.527 Program (QUIP) (Repealed)  
 140.528 Quality Incentive Survey (Repealed)  
 140.529 Payment of Quality Incentive (Repealed)  
 140.530 Reviews (Repealed)  
 140.531 Basis of Payment for Long Term Care Services  
 140.532 General Service Costs  
 140.533 Health Care Costs  
 140.534 General Administration Costs  
 140.535 Ownership Costs  
 140.536 Costs for Interest, Taxes and Rent  
 140.537 Organization and Pre-Operating Costs  
 140.538 Payments to Related Organizations  
 140.539 Special Costs  
 Reimbursement for Basic Nursing Assistant, Developmental Disabilities  
 Aide, Basic Child Care Aide and Habilitation Aide Training and  
 Nursing Assistant Competency Evaluation  
 Costs Associated With Nursing Home Care Reform Act and Implementing  
 Regulations  
 140.540 Salaries Paid to Owners or Related Parties  
 140.541 Cost Reports-Filing Requirements  
 140.542 Time Standards for Filing Cost Reports  
 140.543 Access to Cost Reports (Repealed)  
 140.544 Penalty for Failure to File Cost Reports  
 140.545 Update of Operating Costs  
 140.550 General Service Costs  
 140.551 Nursing and Program Costs  
 140.552 General Administrative Costs  
 140.553 Component Inflation Index  
 140.554 Minimum Wage  
 140.555 Components of the Base Rate Determination  
 140.560 Support Costs Components  
 140.561 Nursing Costs  
 140.562 Capital Costs  
 140.563 Koshier Kitchen Reimbursement  
 140.566 Out-of-State Placement  
 140.567 Level II Incentive Payments (Repealed)  
 140.568 Duration of Incentive Payments (Repealed)  
 140.569 Clients With Exceptional Care Needs  
 140.570 Capital Rate Component Determination  
 140.571 Capital Rate Calculation  
 140.572 Total Capital Rate  
 140.573 Other Capital Provisions  
 140.574 Capital Rates for Rented Facilities  
 140.575 Newly Constructed Facilities (Repealed)  
 140.576 Renovations (Repealed)  
 140.577 Capital Costs for Rented Facilities (Renumbered)  
 140.578 Property Taxes  
 140.579 Specialized Living Centers

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140.580 Mandated Capital Improvements (Repealed)  
 140.581 Qualifying as Mandated Capital Improvement (Repealed)  
 140.582 Cost Adjustments  
 140.583 Campus Facilities  
 140.584 Illinois Municipal Retirement Fund (IMRF)  
 140.590 Audit and Record Requirements  
 140.642 Screening Assessment for Nursing Facility and Alternative Residential  
 Settings and Services  
 140.643 In-Home Care Program  
 140.645 Home and Community Based Services Waivers for Medically Fragile,  
 Technology Dependent, Disabled Persons Under Age 21  
 140.646 Reimbursement for Developmental Training (DT) Services for  
 Individuals With Developmental Disabilities Who Reside in Long Term  
 Care (ICF AND SNF) and Residential (ICF/MR) Facilities  
 140.647 Description of Developmental Training (DT) Services  
 140.648 Determination of the Amount of Reimbursement for Developmental  
 Training (DT) Programs  
 140.649 Effective Dates of Reimbursement for Developmental Training (DT)  
 Programs  
 140.650 Certification of Developmental Training (DT) Programs  
 140.651 Decertification of Day Programs  
 140.652 Terms of Assurances and Contracts  
 140.680 Effective Date of Payment Rate  
 140.700 Discharge of Long Term Care Residents  
 140.830 Appeals of Rate Determinations  
 140.835 Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: MEDICAID PARTNERSHIP PROGRAM

Section  
 140.850 General Description (Repealed)  
 140.855 Definition of Terms (Repealed)  
 140.860 Covered Services (Repealed)  
 140.865 Sponsor Qualifications (Repealed)  
 140.870 Sponsor Responsibilities (Repealed)  
 140.875 Department Responsibilities (Repealed)  
 140.880 Provider Qualifications (Repealed)  
 140.885 Provider Responsibilities (Repealed)  
 140.890 Payment Methodology (Repealed)  
 140.895 Contract Monitoring (Repealed)  
 140.896 Reimbursement For Program Costs (Active Treatment) For Clients In  
 Long Term Care Facilities For the Developmentally Disabled  
 (Recodified)  
 140.900 Reimbursement For Nursing Costs For Geriatric Residents in Group Care  
 Facilities (Recodified)  
 140.901 Functional Areas of Needs (Recodified)  
 140.902 Service Needs (Recodified)  
 140.903 Definitions (Recodified)



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140.904 Times and Staff Levels (Repealed)  
140.905 Statewide Rates (Repealed)  
140.906 Reconsiderations (Recodified)  
140.907 Midnight Census Report (Recodified)  
140.908 Times and Staff Levels (Recodified)  
140.909 Statewide Rates (Recodified)  
140.910 Referrals (Recodified)  
140.911 Basic Rehabilitation Aide Training Program (Recodified)  
140.912 Interim Nursing Rates (Recodified)

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section  
140.920 General Description  
140.922 Covered Services  
140.924 Maternal and Child Health Provider Participation Requirements  
140.926 Client Eligibility (Repealed)  
140.928 Client Enrollment and Program Components (Repealed)  
140.930 Reimbursement  
140.932 Payment Authorization for Referrals (Repealed)

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT  
EQUITY (ICARE) PROGRAM

Section  
140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)  
140.942 Definition of Terms (Recodified)  
140.944 Notification of Negotiations (Recodified)  
140.946 Hospital Participation in ICARE Program Negotiations (Recodified)  
140.948 Negotiation Procedures (Recodified)  
140.950 Factors Considered in Awarding ICARE Contracts (Recodified)  
140.952 Closing an ICARE Area (Recodified)  
140.954 Administrative Review (Recodified)  
140.956 Payments to Contracting Hospitals (Recodified)  
140.958 Admitting and Clinical Privileges (Recodified)  
140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)  
140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)  
140.964 Contract Monitoring (Recodified)  
140.966 Transfer of Recipients (Recodified)  
140.968 Validity of Contracts (Recodified)  
140.970 Termination of ICARE Contracts (Recodified)  
140.972 Hospital Services Procurement Advisory Board (Recodified)  
140.980 Elimination of Aid To The Medically Indigent (AMI) Program (Emergency Expired)

140.982 Elimination Of Hospital Services For Persons Age Eighteen (18) And

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Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)

TABLE A Medichex Recommended Screening Procedures (Repealed)  
TABLE B Geographic Areas  
TABLE C Capital Cost Areas  
TABLE D Schedule of Dental Procedures  
TABLE E Time Limits For Processing of Prior Approval Requests  
TABLE F Podiatry Service Schedule  
TABLE G Travel Distance Standards  
TABLE H Areas of Major Life Activity  
TABLE I Staff Time and Allocation for Training Programs (Recodified)  
TABLE J HSA Grouping (Repealed)  
TABLE K Services Qualifying for 10% Add-On (Repealed)  
TABLE L Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)  
TABLE M Enhanced Rates for Maternal and Child Health Provider Services

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629,

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effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill.

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Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.912 and 140.912 Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.205 and 147.205 Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6,



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1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg.

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7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998;



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amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days, emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: MEDICAL PROVIDER PARTICIPATION

## Section 140.11 Enrollment Conditions for Medical Providers

- a) In order to enroll for participation, providers shall:
- 1) Hold a valid, appropriate license where State law requires licensure of medical practitioners, agencies, institutions and other medical vendors;
  - 2) Be certified for participation in the Title XVIII Medicare program where federal or State rules and regulations require such certification for Title XIX participation;
  - 3) Be certified for Title XIX when federal or State rules and regulations so require;
  - 4) Provide enrollment information to the Department in the prescribed format, and notify the Department, in writing, immediately whenever there is a change in any such information which the provider has previously submitted;
  - 5) Provide disclosure, as requested by the Department, of all financial, beneficial, ownership, equity, surety, or other interests in any and all firms, corporations, partnerships, associations, business, enterprises, joint ventures, agencies, institutions or other legal entities providing any form of health care services to public aid recipients; and
  - 6) Have a written provider agreement on file with the Department.
- b) Approval of a corporate entity such as a hospital, pharmacy, laboratory, durable medical equipment and supplies provider, medical transportation provider, nursing home or renal satellite facility etc., as a participant in the Medical Assistance Program, applies only to the entity's existing ownership, corporate structure and location; therefore, participation approval is not transferable.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

- c) Except for children's hospitals described at 89 Ill. Adm. Code 149.50(c)(3), hospitals providing inpatient care that are certified under a single Medicare number shall be enrolled as an individual entity in the Medical Assistance Program. A children's hospital must be separately enrolled from the general care hospital with which it is affiliated.
- d) Upon notification from the Illinois Health Facilities Planning Board that an exception for a change of ownership has been granted, the Department shall notify the prospective buyer of its obligation under Section 140.12(k) to assume liability for repayment to the Department for overpayments made to the current owner or operator. Such notification shall inform the prospective buyer of all outstanding known liabilities due to the Department by the facility and of any known pending Department actions against the facility that may result in further liability. For long term care providers, when there is a change of ownership of a facility or a facility is leased to a new operator, the provider agreement shall be automatically assigned to the new owner or lessee. Such assigned agreement shall be subject to all conditions under which it was originally issued, including, but not limited to, any existing plans of correction, all requirements of participation as set forth in Section 140.12 or additional requirements imposed by the Department.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

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## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Retailers' Occupation Tax Act2) Code Citation: 86 Ill. Adm. Code 1303) Section Numbers:

130.1501

130.1505

Proposed Action:

Amendment

Amendment

4) Statutory Authority: 20 ILCS 2505/2505-25; 2505-795

5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends Sections 130.1501 and 1505 to provide that the Department may cancel a credit memorandum and issue a refund in lieu thereof in cases where the credit memorandum has a remaining balance of less than \$10.00 and one year or more has passed from the date of issuance of the credit memorandum.

6) Will this proposed amendment replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>IL Register Citation</u>
130.401	Amendment	12/29/00, 24 Ill. Reg. 19030
130.2075	Amendment	05/11/01, 25 Ill. Reg. 6108
130.351	Amendment	05/18/01, 25 Ill. Reg. 6446
130.2076	New Section	05/25/01, 25 Ill. Reg. 6645

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Dana Deen Kinion  
Associate Counsel  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
(217) 782-6996

## DEPARTMENT OF REVENUE

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12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2001  
The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF REVENUE  
NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUE

PART 130  
RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section  
130.101 Character and Rate of Tax  
130.105 Responsibility of Trustees, Receivers, Executors or Administrators  
130.110 Occasional Sales  
130.111 Sale of Used Motor Vehicles by Leasing or Rental Business  
130.115 Habitual Sales  
130.120 Nontaxable Transactions

SUBPART B: SALE AT RETAIL

Section  
130.201 The Test of a Sale at Retail  
130.205 Sales for Transfer Incident to Service  
130.210 Sales of Tangible Personal Property to Purchasers for Resale  
130.215 Further Illustrations of Sales for Use or Consumption Versus Sales for Resale  
130.220 Sales to Lessors of Tangible Personal Property  
130.225 Drop Shipments

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section  
130.305 Farm Machinery and Equipment  
130.310 Food, Drugs, Medicines and Medical Appliances  
130.315 Fuel Sold for Use in Vessels on Rivers Bordering Illinois  
130.320 Gasohol  
130.321 Fuel Used by Air Common Carriers in International Flights  
130.325 Graphic Arts Machinery and Equipment Exemption  
130.330 Manufacturing Machinery and Equipment  
130.331 Manufacturer's Purchase Credit  
130.332 Automatic Vending Machines that Dispense Hot Food or Beverages  
130.335 Pollution Control Facilities  
130.340 Rolling Stock  
130.345 Oil Field Exploration, Drilling and Production Equipment  
130.350 Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment  
130.351 Aggregate Manufacturing

SUBPART D: GROSS RECEIPTS

Section

DEPARTMENT OF REVENUE  
NOTICE OF PROPOSED AMENDMENTS

130.401 Meaning of Gross Receipts  
130.405 How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser

130.410 Cost of Doing Business Not Deductible  
130.415 Transportation and Delivery Charges  
130.420 Finance or Interest Charges--Penalties--Discounts  
130.425 Traded-In Property  
130.430 Deposit or Prepayment on Purchase Price  
130.435 State and Local Taxes Other Than Retailers' Occupation Tax  
130.440 Penalties  
130.445 Federal Taxes  
130.450 Installation, Alteration and Special Service Charges  
130.455 Motor Vehicle Leasing and Trade-In Allowances

SUBPART E: RETURNS

Section  
130.501 Monthly Tax Returns--When Due--Contents  
130.502 Quarterly Tax Returns  
130.505 Returns and How to Prepare  
130.510 Annual Tax Returns  
130.515 First Return  
130.520 Final Returns When Business is Discontinued  
130.525 Who May Sign Returns  
130.530 Returns Covering More Than One Location Under Same Registration--Separate Returns for Separately Registered Locations  
130.535 Payment of the Tax, Including Quarter Monthly Payments in Certain Instances

130.540 Returns on a Transaction by Transaction Basis  
130.545 Registrants Must File a Return for Every Return Period  
130.550 Filing of Returns for Retailers by Suppliers Under Certain Circumstances  
130.551 Prepayment of Retailers' Occupation Tax on Motor Fuel  
130.555 Vending Machine Information Returns  
130.560 Verification of Returns

SUBPART F: INTERSTATE COMMERCE

Section  
130.601 Preliminary Comments  
130.605 Sales of Property Originating in Illinois  
130.610 Sales of Property Originating in Other States

SUBPART G: CERTIFICATE OF REGISTRATION

Section  
130.701 General Information on Obtaining a Certificate of Registration  
130.705 Procedure in Disputed Cases Involving Financial Responsibility



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130.710 Requirements  
 130.715 Procedure When Security Must be Forfeited  
 130.720 Sub-Certificates of Registration  
 130.725 Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances  
 130.725 Display  
 130.730 Replacement of Certificate  
 130.735 Certificate Not Transferable  
 130.740 Certificate Required For Mobile Vending Units  
 130.745 Revocation of Certificate

## SUBPART H: BOOKS AND RECORDS

Section  
 130.801 General Requirements  
 130.805 What Records Constitute Minimum Requirement  
 130.810 Records Required to Support Deductions  
 130.815 Preservation and Retention of Records  
 130.820 Preservation of Books During Pendency of Assessment Proceedings  
 130.825 Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

## SUBPART I: PENALTIES AND INTEREST

Section  
 130.901 Civil Penalties  
 130.905 Interest  
 130.910 Criminal Penalties

## SUBPART J: BINDING OPINIONS

Section  
 130.1001 When Opinions from the Department are Binding

## SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section  
 130.1101 Definition of Federal Area  
 130.1105 When Deliveries on Federal Areas Are Taxable  
 130.1110 No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

## SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section  
 130.1201 General Information  
 130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

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## SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section  
 130.1301 When Lessee of Premises Must File Return for Leased Department  
 130.1305 When Lessor of Premises Should File Return for Business Operated on Leased Premises  
 130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

## SUBPART N: SALES FOR RESALE

Section  
 130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale  
 130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale  
 130.1410 Requirements for Certificates of Resale (Repealed)  
 130.1415 Resale Number--When Required and How Obtained  
 130.1420 Blanket Certificate of Resale (Repealed)

## SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section  
 130.1501 Claims for Credit--Limitations--Procedure  
 130.1505 Disposition of Credit Memoranda by Holders Thereof  
 130.1510 Refunds  
 130.1515 Interest

## SUBPART P: PROCEDURE TO BE FOLLOWED UPON SELLING OUT OR DISCONTINUING BUSINESS

Section  
 130.1601 When Returns are Required After a Business is Discontinued  
 130.1605 When Returns Are Not Required After Discontinuation of a Business  
 130.1610 Cross Reference to Bulk Sales Regulation

## SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section  
 130.1701 Bulk Sales: Notices of Sales of Business Assets

## SUBPART R: POWER OF ATTORNEY

Section  
 130.1801 When Powers of Attorney May be Given  
 130.1805 Filing of Power of Attorney With Department  
 130.1810 Filing of Papers by Agent Under Power of Attorney

## SUBPART S: SPECIFIC APPLICATIONS

## DEPARTMENT OF REVENUE

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Section  
 130.1901 Addition Agents to Plating Baths  
 130.1905 Agricultural Producers  
 130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles  
 130.1915 Auctioneers and Agents  
 130.1920 Barbers and Beauty Shop Operators  
 130.1925 Blacksmiths  
 130.1930 Chiropractors, Osteopaths and Chiropractors  
 130.1935 Computer Software  
 130.1940 Construction Contractors and Real Estate Developers  
 130.1945 Co-operative Associations  
 130.1950 Dentists  
 130.1951 Enterprise Zones  
 130.1952 Sales of Building Materials to a High Impact Business  
 130.1955 Farm Chemicals  
 130.1960 Finance Companies and Other Lending Agencies -- Installment Contracts -- Bad Debts  
 130.1965 Florists and Nurserymen  
 130.1970 Hatcheries  
 130.1971 Sellers of Pets and the Like  
 130.1975 Operators of Games of Chance and Their Suppliers  
 130.1980 Optometrists and Opticians  
 130.1985 Pawnbrokers  
 130.1990 Peddlers, Hawkers and Itinerant Vendors  
 130.1995 Personalizing Tangible Personal Property  
 130.2000 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers  
 130.2004 Sales to Nonprofit Arts or Cultural Organizations  
 130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated as Businesses, and Suppliers of Such Persons  
 130.2006 Sales by Teacher-Sponsored Student Organizations  
 130.2007 Exemption Identification Numbers  
 130.2008 Sales by Nonprofit Service Enterprises  
 130.2009 Personal Property Purchased Through Certain Fundraising Events for the Benefit of Certain Schools  
 130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to Others  
 130.2011 Sales to Persons Who Lease Tangible Personal Property to Exempt Hospitals  
 130.2012 Sales to Persons Who Lease Tangible Personal Property to Governmental Bodies  
 130.2015 Persons Who Repair or Otherwise Service Tangible Personal Property  
 130.2020 Physicians and Surgeons  
 130.2025 Picture-Framers  
 130.2030 Public Amusement Places  
 130.2035 Registered Pharmacists and Druggists  
 130.2040 Retailers of Clothing

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130.2045 Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like  
 130.2050 Sales and Gifts By Employers to Employees  
 130.2055 Sales by Governmental Bodies  
 130.2060 Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products  
 130.2065 Sales of Automobiles for Use in Demonstration (Repealed)  
 130.2070 Sales of Containers, Wrapping and Packing Materials and Related Products  
 130.2075 Sales To Construction Contractors, Real Estate Developers and Speculative Builders  
 130.2080 Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel  
 130.2085 Sales to or by Banks, Savings and Loan Associations and Credit Unions  
 130.2090 Sales to Railroad Companies  
 130.2095 Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles  
 130.2100 Sellers of Feeds and Breeding Livestock  
 130.2105 Sellers of Newspapers, Magazines, Books, Sheet Music and Recordings, and Their Suppliers; Transfer of Data Downloaded Electronically  
 130.2110 Sellers of Seeds and Fertilizer  
 130.2115 Sellers of Machinery, Tools and Special Order Items  
 130.2120 Suppliers of Persons Engaged in Service Occupations and Professions  
 130.2125 Trading Stamps and Discount Coupons  
 130.2130 Undertakers and Funeral Directors  
 130.2135 Vending Machines  
 130.2140 Vendors of Curtains, Slip Covers, Floor Covering and Other Similar Items Made to Order  
 130.2145 Vendors of Meals  
 130.2150 Vendors of Memorial Stones and Monuments  
 130.2155 Vendors of Signs  
 130.2156 Vendors of Steam  
 130.2160 Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.  
 130.2165 Veterinarians  
 130.2170 Warehousemen  
 ILLUSTRATION A Examples of Tax Exemption Cards  
 AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].  
 SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979;

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amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000; amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill.

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Reg. 941, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1792, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 4674, effective March 15, 2001; amended at 25 Ill. Reg. 4950, effective March 19, 2001; amended at 25 Ill. Reg. 5398, effective April 2, 2001; amended at 25 Ill. Reg. 6713, effective May 9, 2001; amended at 25 Ill. Reg. 7264, effective May 25, 2001; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

## Section 130.1501 Claims for Credit--Limitations--Procedure

## a) Limitations Upon Claims

- 1) Where a taxpayer under the Retailers' Occupation Tax Act pays to the Department an amount of tax or penalty or interest not due under the provisions of the Act, either as the result of a mistake of fact or an error of law, such taxpayer may file a claim for credit with the Department. Beginning August 17, 1995, tax is deemed to be erroneously paid by a retailer when the manufacturer of a motor vehicle sold by the retailer accepts the return of that automobile and refunds to the purchaser the purchase price of the vehicle, as provided in Section 3 of the New Vehicle Buyer Protection Act [815 ILCS 380/3]. The claim is limited to taxes applicable to the purchase price of the automobile refunded to the consumer, which includes all collateral charges required to be included in the sales tax calculation (e.g., documentary fees), but does not include any reasonable allowance for consumer use of the automobile deducted from the purchase price by the manufacturer. Retailers filing such claims must comply with all requirements of this Section.
- 2) The Department cannot approve any claim for credit unless the proof submitted in support thereof clearly establishes that the claimant has borne the burden of the tax erroneously paid or that he has unconditionally repaid the amount of the tax to his vendee from whom he has collected such amount. In the latter event, the claimant must also prove that his vendee has borne the burden of such amount or has unconditionally repaid persons to whom such vendee has shifted the burden of such amount (see Section 6 of the Retailers' Occupation Tax Act).
- 3) In addition, if the Retailers' Occupation Tax was paid on receipts from a sale made on or after August 1, 1955, no credit shall be allowed for any such amount paid by or collected from any claimant unless it shall appear that the claimant has unconditionally repaid, to the purchaser, any amount collected from the purchaser and retained by the claimant with respect to the same transaction under the Use Tax Act.
- 4) The Department cannot approve any claim for credit to the extent that the amount claimed is an amount which has been paid



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(voluntarily or involuntarily) in total or partial liquidation of an assessment which had become final before the claim for credit to recover the amount so paid is filed with the Department, or if paid in total or partial liquidation of a judgment, order or decree of court. Also, all claims for credit are subject to the statute of limitations, as follows:

*Provided that as to any claim for credit filed with the Department on and after each January 1 and July 1 no amount of tax or penalty or interest erroneously paid (either in total or partial liquidation of a tax or penalty or amount of interest under the Act) more than 3 years prior to such January 1 and July 1, respectively, shall be credited; . . . except that if both the Department and the taxpayer have agreed to an extension of time to issue a notice of tax liability as provided in Section 4 of the Act, such claim may be filed at any time prior to the expiration of the period agreed upon. (Section 6 of the Act)* This means that the normal statute of limitations will vary from 3 to 3 1/2 years as shown in the following examples:

- A) On June 29, 1999 a taxpayer files a claim with the Department. The credit may be allowed for amounts paid on or after January 1, 1996. The credit will not be allowed for amounts paid on or before December 31, 1995.
- B) A taxpayer files a claim with the Department on July 2, 1999. In this case, amounts paid on or before June 30, 1996 were paid more than three years prior to July 1, 1999 and are not subject to refund.
- C) A taxpayer files a claim on November 30, 1999 for the months of October through December 1996. The claim will be processed by the Department because the time period that is open under the statute of limitations extends back through July 1, 1996.

- D) A taxpayer files a claim on January 5, 2000 for the month of October 1996 that was paid on November 20, 1996. The claim will not be approved by the Department because it is barred by the statute of limitations. A claim filed on January 5, 2000 only has open periods back through January 1, 1997.

## b) Filing of Claims

- 1) Claims for credit shall be prepared and filed upon forms provided by the Department. Each claim shall state:

- A) the name and principal business address of the claimant;
- B) the period covered by the claim;
- C) the total amount of credit claimed, giving in detail the net amount of taxable receipts reported each month or other return period used by the claimant as the basis for filing returns in the period covered by the claim;
- D) the total amount of tax paid for each return period;
- E) receipts upon which tax liability is admitted for each return period;

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- F) the amount of receipts on which credit is claimed for each return period;

- G) the tax due for each return period as corrected;

- H) the amount of credit claimed for each return period;

- I) reason or reasons why the amount, for which the claim is filed, is alleged to have been paid in error;

- J) a list of the evidence (documentary or otherwise) which the claimant has available to establish his compliance with Section 6 as to bearing the burden of the tax for which he seeks credit;

- K) payments or parts thereof (if any) included in the claim and paid by the claimant under protest;

- L) sufficient information to identify any suit which involves the Act, and to which the claimant is a party; and

- M) such other information as the Department may reasonably require.

- 2) Where the claimant is a corporation, the claim filed on behalf of such corporation shall be signed by the president, vice-president, secretary or treasurer or by the properly accredited agent of such corporation.

- 3) A claim for credit shall be considered to have been filed with the Department on the date upon which it is received by the Department. (See Sections 130.1201 and 130.1205 of this Part for further information regarding when claims are deemed to be "received" by the Department.)

- 4) Upon receipt of any claim for credit filed under the Act, any officer or employee of the Department, authorized in writing by the Director of Revenue to acknowledge receipt of such claims on behalf of the Department, shall execute on behalf of the Department, and shall deliver or mail to the claimant or his duly authorized agent, a written receipt, acknowledging that the claim has been filed with the Department, describing the claim in sufficient detail to identify it and stating the date upon which the claim was received by the Department.

- 5) Such written receipt shall be prima facie evidence that the Department received the claim described in such receipt and shall be prima facie evidence of the date when such claim was received by the Department.

- 6) In the absence of such a written receipt, the records of the Department as to when the claim was received by the Department, or as to whether or not the claim was received at all by the Department, shall be deemed to be prima facie correct upon these questions in the event of any dispute between the claimant (or his legal representative) and the Department concerning these questions. (See Section 6a of the Act.)

## c) Procedure After Filing of Claims

- 1) The Department will examine each claim for credit as soon as practicable after such claim is filed and will notify the

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claimant (or his legal representative, if the claim is filed by such legal representative, or if the claimant has died or become incompetent and such legal representative has notified the Department of his appointment and qualification as such legal representative, or if the Department, on its own motion, has substituted such legal representative in the proceeding for the deceased or incompetent claimant) of its Tentative Determination of the amount of credit, if any, to which the claimant or his legal representative is entitled.

2) If such claimant, or the legal representative of a deceased or incompetent taxpayer, shall, within 60 days after the Department's Notice of Tentative Determination of Claim, file a protest and request a hearing, the Department shall give notice to the claimant, or to the legal representative of a deceased or incompetent taxpayer, of the time and place fixed for the hearing, and shall hold a hearing in conformity with the provisions of the Act, and pursuant thereto shall issue its Final Determination of the amount of credit, if any, found to be due as a result of the hearing, to the claimant, or to the legal representative of a deceased or incompetent taxpayer.

3) If a protest to the Department's Notice of Tentative Determination of Claim is not filed within 60 days and a request for a hearing is not made as provided in subsection (c)(2), the Notice shall thereupon become and operate as a Final Determination. (See Sections 6b and 6c of the Act.)

4) If, following the above procedure, a credit is found to be due, as evidence thereof a credit memorandum for such amount shall be issued in the name of the claimant.

d) Credit Memoranda in Amounts Less Than \$10. Where a credit memorandum issued by the Department has an outstanding balance of less than \$10 and one year or more has passed from the date of issuance of the credit memorandum, the Department may cancel the credit memorandum and issue a refund in lieu thereof for the remaining balance. The refund shall be delivered to the person entitled to receive delivery thereof.

d) ~~Use of Credit Memoranda to Satisfy Prior Rights of Department~~  
~~if, following the above procedure, a credit is found to be due~~  
~~as evidence thereof a credit memorandum for such amount shall be~~  
~~issued in the name of the claimant.~~

e) Use of Credit Memoranda or Refund Issued in Lieu Thereof to Satisfy Prior Rights of Department

1) If there is an established unpaid assessment or an admitted unpaid liability, or unpaid penalty, or unpaid amount of interest, against the claimant either under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Occupation Tax Act, the Service Use Tax Act, any local Occupation or Use Tax administered by the Department, Section 4 of the Water Commission Act of 1985 [70 ILCS 3720/4], Section 5.01(b), (c) and (d) of the Local Mass Transit District Act [70 ILCS 3610/5.01], or Section

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4.03(e), (f) and (g) of the Regional Transportation Authority Act [70 ILCS 3615/4.03], the amount of the credit or refund issued in lieu thereof shall be credited against the tax or penalty or interest due or to become due under the Retailers' Occupation Tax Act, or under the Use Tax Act, the Service Occupation Tax Act, the Service Use Tax Act, the Home Rule Municipal Retailers' Occupation Tax Act, the Non-Home Rule Municipal Retailers' Occupation Tax Act, any local Occupation or Use Tax administered by the Department, Section 4 of the Water Commission Act of 1985, Section 5.01(b), (c) and (d) of the Local Mass Transit District Act, or Section 4.03(e), (f) and (g) of the Regional Transportation Authority Act, from the person who made the erroneous payment.

2) If the credit or refund issued in lieu thereof is in an amount less than that of the unpaid liability, it shall be applied pro tanto.

3) If the amount of the credit or refund issued in lieu thereof exceeds that of the unpaid liability, after crediting an amount sufficient to liquidate or cancel out such unpaid liability, a new credit memorandum or refund shall be issued for an amount representing the difference between that of the original credit found to be due and that of the liability liquidated or paid as aforesaid, and such new credit memorandum or refund shall be delivered to the person entitled to receive delivery thereof, provided that no proceeding is pending against the claimant to establish an unpaid liability under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Occupation Tax Act, the Service Use Tax Act, any local Occupation or Use Tax administered by the Department, Section 4 of the Water Commission Act of 1985, Section 5.01(b), (c) and (d) of the Local Mass Transit District Act, or Section 4.03(e), (f) and (g) of the Regional Transportation Authority Act.

4) If a proceeding to establish such an unpaid liability is pending, the credit memorandum or refund in lieu thereof shall be held by the Department until such proceeding is concluded; and if such proceeding results in the issuance of an assessment which becomes final, the credit or refund in lieu thereof shall be applied by the Department, to the extent which may be necessary, in liquidation of such assessment, or any interest that may accrue thereon, and the balance of the credit or refund in lieu thereof, if any (after cancellation of the credit memorandum or refund in lieu thereof applied in liquidation of such liability), shall be issued in the form of a new credit memorandum or refund and delivered to the person entitled to receive delivery thereof.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 130.1505 Disposition of Credit Memoranda by Holders Thereof

## a) Assignment of Credit Memoranda

1) Credit memoranda issued in accordance with the provisions of Section 6 of the Act may be assigned or transferred only after a request for that purpose is filed with the Department upon forms prescribed and furnished by it, and subject to the following conditions:

- A) That the assignment is made to a person who is subject to the Retailers' Occupation Tax Act, the Use Tax Act, the Service Occupation Tax Act, the Service Use Tax Act, the Home Rule Municipal Retailers' Occupation Tax Act, the Non-Home Rule Municipal Retailers' Occupation Tax Act, the Home Rule Municipal Service Occupation Tax Act, the Non-Home Rule Municipal Service Occupation Tax Act, the Home Rule County Retailers' Occupation Tax Act, the County Supplementary Retailers' Occupation Tax Act, the Home Rule County Service Occupation Tax Act, Section 4 of the Water Commission Act of 1985, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act;
- B) That there is no proceeding pending to establish an unpaid liability against the assignor pursuant to notice given of the Department's proposal to assess an amount against him either under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Occupation Tax Act, the Service Use Tax Act, the Home Rule Municipal Retailers' Occupation Tax Act, the Non-Home Rule Municipal Retailers' Occupation Tax Act, the Home Rule Municipal Service Occupation Tax Act, the Non-Home Rule Municipal Service Occupation Tax Act, Section 4 of the Water Commission Act of 1985, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act, and
- C) that there is no established assessment or admitted liability or interest or penalty unpaid by the assignor, either under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Occupation Tax Act, the Service Use Tax Act, the Home Rule Municipal Retailers' Occupation Tax Act, the Non-Home Rule Municipal Retailers' Occupation Tax Act, the Home Rule Municipal Service Occupation Tax Act, the Non-Home Rule Municipal Service Occupation Tax Act, the Home Rule County Retailers' Occupation Tax Act, the County Supplementary Retailers' Occupation Tax Act, the Home Rule County Service Occupation Tax Act, Section 4 of the Water Commission Act of 1985, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act, and a credit

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Transportation Authority Act: Provided that if the amount of the credit memorandum must first be applied, in whole or in part, against an established unpaid assessment which has been issued to the claimant-assignor, or in total or partial liquidation of an unpaid admitted tax liability, or unpaid penalty, or unpaid amount of interest, of the claimant-assignor, notice to this effect shall be given to the claimant-assignor by the Department.

- 2) If any balance is due such claimant-assignor, after application of the credit memorandum in the manner and to the purposes aforesaid, such balance may be assigned upon receipt by the Department of instructions to that effect. If there are no unpaid established assessments or unpaid admitted tax liabilities, or unpaid penalties, or unpaid amounts of interest, due from the claimant-assignor, and if there are no pending proceedings as herein outlined, against the claimant-assignor, and if the contemplated assignee is a person who is subject to the Retailers' Occupation Tax Act, the Use Tax Act, the Service Occupation Tax Act, the Service Use Tax Act, the Home Rule Municipal Retailers' Occupation Tax Act, the Non-Home Rule Municipal Retailers' Occupation Tax Act, the Home Rule Municipal Service Occupation Tax Act, the Non-Home Rule Municipal Service Occupation Tax Act, the Home Rule County Retailers' Occupation Tax Act, the Home Rule County Service Occupation Tax Act, Section 4 of the Water Commission Act of 1985, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act, the request for leave to assign shall be approved; the original credit memorandum shall be cancelled, and a new credit memorandum shall be issued to the assignee in the amount shown on the canceled memorandum, except that where the credit balance is in an amount less than \$10, the Department may issue a refund to the claimant-assignor in lieu of approving the assignment and issuing of a credit memorandum to the assignee. However, before a credit memorandum is issued to the assignee, the amount of such credit shall be applied, to the extent that may be necessary, in liquidation of any established or admitted unpaid liability due from the assignee under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Occupation Tax Act, the Service Use Tax Act, the Home Rule Municipal Retailers' Occupation Tax Act, the Non-Home Rule Municipal Retailers' Occupation Tax Act, the Home Rule County Retailers' Occupation Tax Act, the Home Rule County Service Occupation Tax Act, the Home Rule County Service Occupation Tax Act, Section 4 of the Water Commission Act of 1985, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act, and a credit



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memorandum for the balance of the credit, if any, shall then be issued to the assignee, except that where the balance of the credit is less than \$10, a refund may be issued to the assignee in lieu of a credit memorandum: Provided that there is no proceeding pending against the assignee to establish an unpaid liability against him. If a proceeding to establish such an unpaid liability is pending, the credit memorandum or refund shall be held by the Department until such proceeding is concluded; and if such proceeding results in the issuance of an assessment which becomes final, the credit or refund shall be applied by the Department, to the extent which may be necessary, in liquidation of such assessment, and any interest that may accrue thereon, and the balance of the credit or refund, if any (after cancellation of the credit memorandum or refund applied in liquidation of such liability), shall be issued in the form of a new credit memorandum or refund and delivered to the assignor for transmittal to the assignee.

## b) Submission of Credit Memoranda With Tax Returns

- 1) Credit memoranda, in the hands either of the original claimant or of his assignee, may be submitted to the Department, along with tax returns, in payment of any tax liability or penalty or interest under the Retailers' Occupation Tax Act or the Use Tax Act, the Service Occupation Tax Act, the Service Use Tax Act, the Home Rule Municipal Retailers' Occupation Tax Act, the Non-Home Rule Municipal Retailers' Occupation Tax Act, the Home Rule the Non-Home Municipal Service Occupation Tax Act, Municipal Service Occupation Tax Act, the Home Rule County Service Occupation Tax Act, Section 4 of the Water Commission Act of 1985, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act, incurred by the holder of such credit memoranda.

- 2) If, after applying any such credit memorandum against the amount of liability shown to be due by the tax return with which the credit memorandum is submitted, there is a balance of the credit memorandum in favor of the taxpayer, the Department will cancel the credit memorandum which the taxpayer submits with his return and will issue and deliver to such taxpayer a new credit memorandum for such balance. This process will be followed until the credit, to which such taxpayer is entitled, is exhausted, except that in the event the credit balance drops to an amount less than \$10, the Department may issue a refund of the credit balance to the taxpayer in lieu of a credit memorandum.

- 3) However, any new credit memorandum of refund, which is issued for a balance of credit due the taxpayer after applying the amount of a credit memorandum to the payment of current taxes, is subject to the prior rights of the Department to the same extent that such prior rights take precedence when a credit memorandum is

first issued (see Section 130.1501(d) of this Part) or when leave to assign a credit memorandum is requested (see Section 130.1505(a) of this Part.)

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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1) Heading of the Part: Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act

2) Code Citation: 86 Ill. Adm. Code 530

3) Section Numbers: Proposed Action:  
530.101 Amendment  
530.110 Amendment

4) Statutory Authority: 320 ILCS 25/3.15 (see Public Act 92-0010 (effective June 11, 2001))

5) A Complete Description of the Subjects and Issues Involved: Section 530.101: Expands the list of diseases for which pharmaceutical assistance coverage will become available to include osteoporosis as a result of Public Act 92-0010 beginning July 1, 2001.

Section 530.110: Adds a new category of therapeutic drugs for the treatment of osteoporosis for which expanded pharmaceutical assistance coverage will become available as a result of Public Act 92-0010 beginning July 1, 2001.

6) Will this proposed amendment replace an emergency amendment currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Karen Alice Kloppe  
Associate Counsel - Property Tax  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
(217) 782-6996

12) Initial Regulatory Flexibility Analysis:

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A) Types of small businesses, small municipalities and not for profit corporations affected: This amendment will affect authorized pharmacies that contract with the Department to participate in the Pharmaceutical Assistance Program.

B) Reporting, bookkeeping or other procedures required for compliance: Authorized pharmacies will need to update their Participating Pharmacy Administrative Manual with information mailed from the Department regarding covered prescription drugs used for the treatment of osteoporosis.

C) Types of professional skills necessary for compliance: Staff at authorized pharmacies will need to be able to explain the changes in the Pharmaceutical Assistance Program under Public Act 92-0010 to program beneficiaries and enter covered prescription drugs used for the treatment of osteoporosis by program beneficiaries in computerized records.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: Public Act 92-0010 was enacted after its completion on June 11, 2001.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendment published in this issue of the Illinois Register on page \_\_\_\_\_.

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Illinois Promotion Act Programs

2) Code Citation: 14 Ill. Adm. Code 510

3) Section Numbers: Adoption Action:

510.10 Repeal  
510.20 Repeal  
510.30 Repeal  
510.40 Repeal  
510.50 Repeal  
510.60 Repeal  
510.70 Repeal  
510.80 Repeal  
510.85 Repeal  
510.90 Repeal  
510.100 Repeal  
510.105 Repeal  
510.110 Repeal  
510.120 Repeal  
510.130 Repeal  
510.140 Repeal  
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510.210 Repeal  
510.220 Repeal  
510.230 Repeal  
510.240 Repeal  
510.250 Repeal  
510.260 Repeal  
510.270 Repeal  
510.275 Repeal  
510.280 Repeal  
510.285 Repeal  
510.290 Repeal  
510.300 Repeal

4) Statutory Authority: Implementing and authorized by the Illinois Promotion Act [20 ILCS 665]

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF ADOPTED REPEALER

5) Effective Date of Rulemaking: July 1, 2001

6) Does this repealer contain and automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: Published at 25 Ill. Reg. 4326 on March 30, 2001

10) Has JCAR issued a Statement of Objection to this repealer? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this repealer replace an emergency repealer currently in effect? No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Rulemaking: The Illinois Promotion Act Programs rules that govern the Tourism Marketing Partnership Program, the Tourism Attraction Development Loan and Grant Program, and the Tourism Private Sector Grant Program are being repealed in order to replace them with new rules that are more consistent, streamlined, and which include recommended improvements and enhancements resulting from a comprehensive study of the tourism grant programs conducted for DCCA's Bureau of Tourism. The 1999 grant program study included a best practices study of other states' tourism grant programs, a customer satisfaction survey of past and present grant program applicants and recipients, a review of internal program administration procedures, and regional public input sessions. This study was successful in identifying important ways the programs could be improved and enhanced in order to bring them up to date and more current with national and international tourism trends, and to make them more accessible and able to meet the changing needs of the State's local tourism industry in attracting visitors. Because the current rules have become too lengthy, cumbersome and inconsistent, as well as confusing for potential applicants to understand and follow, the best way to make the needed improvements and enhancements recommended from the study would be to repeal these rules and submit new replacement rules for the three grant programs under the Illinois Promotion Act. The new replacement rules will be much more streamlined and consistent, easier for potential applicants to understand and access funding, and should help to reduce some of the unnecessary procedures and paperwork for the applicants, grantees and the



## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF ADOPTED REPEALER

program managers that administer the programs.

- 16) Information and questions regarding this adopted repealer shall be directed to:

Ms. Raya Bogard  
Administrative Code Rules Manager  
Illinois Department of Commerce and Community Affairs  
James R. Thompson Center  
100 West Randolph, Suite 3-400  
Chicago IL 60601  
(312) 814-9593

## COMPTROLLER

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Access to Information

- 2) Code Citation: 2 Ill. Adm. Code 625

- 3) Section Numbers: Adopted Action:
- |            |        |
|------------|--------|
| 625.12     | New    |
| 625.13     | New    |
| 625.25     | Amend  |
| 625.35     | Amend  |
| 625.45     | Amend  |
| 625.55     | Amend  |
| 625.110    | Amend  |
| 625.120    | Amend  |
| 625.130    | Amend  |
| 625.235    | Repeal |
| 625.245    | Amend  |
| APPENDIX A | Repeal |
| EXHIBIT A  | Repeal |
| EXHIBIT B  | Repeal |
| EXHIBIT C  | Repeal |
| EXHIBIT D  | Repeal |
| EXHIBIT E  | Repeal |
| EXHIBIT F  | Repeal |
| APPENDIX B | Amend  |

- 4) Statutory Authority: Implementing and authorized by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

- 5) Effective Date of Rulemaking: June 22, 2001

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: Publication of a Notice of Proposed Amendment is not required prior to adoption of amended rules required by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

- 10) Has JCAR issued a Statement of Objections to these amendments? No

- 11) Differences between proposal and final version: There were no changes made between the proposed and adopted versions of the rulemaking.

## COMPTROLLER

## NOTICE OF ADOPTED AMENDMENTS

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? JCAR did not issue and agreement letter requesting that changes be made.

13) Will this rulemaking replace an emergency rulemaking currently in effect?  
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: The rulemaking modifies the current rule to contain an accurate description of the Office of the Comptroller's structure, and geographic locations.

16) Information and questions regarding these adopted amendments shall be directed to:

Whitney Wagner Rosen  
Legislative Counsel  
Office of the Comptroller  
201 State Capitol  
Springfield, Illinois 62706  
217/782-6000

The full text of the adopted amendments begins on the next page:

## COMPTROLLER

## NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE C: CONSTITUTIONAL OFFICERS  
CHAPTER VI: COMPTROLLER

## PART 625

## ACCESS TO INFORMATION

## SUBPART A: PUBLIC INFORMATION

Section	
625.10	Public Inspection (Repealed)
625.11	Purpose
625.12	Freedom of Information Officers
625.13	Definitions
625.15	Requests to be Made in Writing (Repealed)
625.20	Requests for Public Records
625.25	Specificity of Request (Repealed)
625.30	Responses to Requests for Public Records
625.35	Cost of Requested Information (Repealed)
625.40	Appeal of a Denial of a Request for Public Records
625.45	Requests Which are Disruptive of Office Operations (Repealed)
625.50	Inspection and/or Copying of Records
625.55	Information Not Available for Inspection (Repealed)
625.60	Appeal of a Request Denial (Repealed)

## SUBPART B: RULEMAKING

Section	
625.100	Introduction
625.110	Presentation to the Chief of Staff Deputy-Comptroller
625.120	Presentation to the Comptroller
625.130	Action Upon Comptroller's Approval
625.140	Petitions
625.150	Compilation of Rules

## SUBPART C: ORGANIZATION

Section	
625.200	Introduction
625.210	Duties of the Comptroller (Repealed)
625.215	Duties of the Comptroller
625.220	Office Locations (Repealed)
625.225	Office Locations
625.230	Deputy Comptroller (Repealed)
625.235	Employees and Budget (Repealed)
625.240	Organization Chart (Repealed)
625.245	List of Records

## COMPTROLLER

## NOTICE OF ADOPTED AMENDMENTS

## APPENDIX A Forms (Repealed)

- EXHIBIT A Request for Public Records (Repealed)
- EXHIBIT B Approval of Request for Public Records (Repealed)
- EXHIBIT C Partial Approval of Request for Public Records (Repealed)
- EXHIBIT D Deferral of Response to Request for Public Records (Repealed)

## EXHIBIT E Denial of Request for Public Records (Repealed)

## EXHIBIT F FOIA Appeal--Comptroller's Response (Repealed)

## APPENDIX B Organization Chart

AUTHORITY: Implementing the Freedom of Information Act [5 ILCS 140] and authorized by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Adopted at 4 Ill. Reg. 44, p. 437, effective October 22, 1980; codified at 7 Ill. Reg. 16020; amended at 8 Ill. Reg. 14967, effective August 3, 1984; amended at 14 Ill. Reg. 186, effective December 21, 1989; amended at 25 Ill. Reg. 8139 --, effective June 22, 2001.

## SUBPART A: PUBLIC INFORMATION

## Section 625.12 Purpose

These rules are established to implement the provisions of the Freedom of Information Act [5 ILCS 140] within the Office of the Comptroller. The purpose of these rules is to support the policy of providing public access to public records in the custody of the Comptroller while protecting legitimate interests in privacy and confidentiality and maintaining the efficient operation of the Office of the Comptroller.

8139 --

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective June 22, 2001)

## Section 625.13 Freedom of Information Officers

- a) There shall be appointed one Freedom of Information Officer and one Assistant Freedom of Information Officer. The Freedom of Information Officer shall be based in either the Chicago or Springfield office. The Assistant Freedom of Information Officer shall be based in either the Chicago or Springfield office.
- b) The Freedom of Information Officer shall be responsible for insuring compliance with the provisions of FOIA. It shall be the duty of the Freedom of Information Officer to receive, process, and respond to requests for public records made pursuant to the provisions of FOIA. It shall be the duty of the Assistant Freedom of Information Officer to submit to the Freedom of Information Officer all requests for public records received by the Assistant.

(Source: Added at 25 Ill. Reg. 8139 --, effective June 22, 2001)

## COMPTROLLER

## NOTICE OF ADOPTED AMENDMENTS

## Section 625.25 Requests for Public Records

- a) Requests for public records in the custody of the Comptroller shall be submitted to the Freedom of Information Officer or the Assistant Freedom of Information Officer. Requests Att--requests for public records may shall be in writing or made verbally. Verbal Such requests should be in the form shown in Appendix A-7-Exhibit A-6--this Part-- oral requests not reduced to writing will be processed as quickly as is feasible expeditiously. However, the required response times and appeal procedures contained in FOIA and this Part do not apply to unwritten oral requests.
- b) All requests for public records should be sufficiently specific to enable the Freedom of Information Officer Comptroller to locate them without being unduly burdensome or disruptive to the Office of the Comptroller. Where possible, specific information regarding names, dates, voucher number, warrant number, vendor number, file designations and other information which would help identify the records should be supplied. If a request does not reasonably describe the records sought, the requester will be given an opportunity to confer with office personnel to reformulate the request.
- c) All requests for public records must include the requester's full name, address and telephone number and shall state whether the request is for inspection of public records, copies of public records, or both.

(Source: Amended at 25 Ill. Reg. 8139 --, effective June 22, 2001)

## Section 625.35 Responses to Requests for Public Records

- a) The Freedom of Information Officer will respond to a written request for public records within 7 working days after the receipt of such request.
- b) The Freedom of Information Officer shall respond to a written request for public records by taking one or more of the following actions:
  - 1) Approval of the request (See Appendix A-7-Exhibit B-7;
  - 2) Approve in part and deny in part (See Appendix A-7-Exhibit C-7;
  - 3) Provide notification that an extension of 7 working days will be required, giving reasons why the extension is necessary (See Appendix A-7-Exhibit D-7; or
  - 4) Deny the request (See Appendix A-7-Exhibit E-7.
- c) Upon approval of a request for public records, the Freedom of Information Officer Comptroller may either provide the materials immediately, give notice that the materials shall be made available upon payment of reproduction costs or give notice of the time and place for inspection of records.
- d) A denial of request for public records shall be made in writing. It shall state the reason for the denial and the names and titles of individuals responsible for the decision. It shall also give notice



## COMPTROLLER

## NOTICE OF ADOPTED AMENDMENTS

of the requestor's right to appeal directly to the Comptroller as specified in Section 625.45 of this Part.

e) Categorical requests creating an undue burden upon the Office of the Comptroller shall be denied only after extending to the requestor an opportunity to confer in an attempt to reduce the request to manageable proportions.

f) Failure to respond to a written request within 7 working days may be considered to be a denial of the request.

(Source: Amended at 25 Ill. Reg. 8139 --, effective June 22, 2001)

## Section 625.45 Appeal of a Denial of a Request for Public Records

a) A requestor whose request has been denied by the Freedom of Information Officer may appeal the denial to the Comptroller. The notice of appeal shall be made in writing and sent to:

State Comptroller  
201 State House  
Springfield, Illinois 62706  
ATTN: FOIA Appeal

b) The Notice of Appeal shall include a copy of the original request, a copy of the denial received by the requestor, and a statement of the reasons why the appeal should be granted.

c) The Comptroller will respond to an appeal within 7 working days after receiving notice thereof (See Appendix A7-Exhibit-F7). The Comptroller shall respond to the appeal by taking the appropriate action(s) specified in Section 625.35(b).

d) The Comptroller in any letter affirming a denial shall include an explanation of the requestor's right to judicial review of the Comptroller's decision. Failure to respond within 7 working days may be considered to be an affirmation of denial.

(Source: Amended at 25 Ill. Reg. 8139 --, effective June 22, 2001)

## Section 625.55 Inspection and/or Copying of Records

a) All public records in the custody of the Office of the Comptroller, which are subject to inspection pursuant to FOIA, will be made available for inspection during normal hours at the office where those records are maintained. Inspection of public records shall be made under the supervision of the Freedom of Information Officer or his or her designee. A requestor may be prohibited from bringing bags, brief cases or other containers in the inspection room. Generatively--public records--will--be--made--available--for--inspection--during--normal--working hours--of--the--Comptroller--at--the--office--of--the--Freedom--of--information Officer.

## COMPTROLLER

## NOTICE OF ADOPTED AMENDMENTS

b) Upon inspection, the requestor may segregate those records that he or she wishes to have copied. Whenever copies of public records are requested, those copies shall be made by the Freedom of Information Officer or his or her designee. Documents which the requestor wishes to have copied shall be segregated during the course of the inspection. Generatively--all--copying--shall--be--done--by--Comptroller employees.

c) Copies shall be provided to the requestor only upon payment of any copying fees that are due. Fees for copies of public records shall be assessed in accordance with the fee schedule for duplication of public records established by the Comptroller. Unless otherwise arranged, the inspection of records shall take place at the office of the Freedom of Information Officer. For purposes of convenience, either the Comptroller or the requestor may request that inspection take place in another Comptroller office location.

d) Payment of fees shall be waived if the requestor is a State agency, a constitutional officer, or a member of the General Assembly. Fees may be waived whenever the Freedom of Information Officer determines that waiver of the fee serves the public interest. An employee of the Comptroller may be present throughout the inspection. A requestor may be prohibited from bringing bags, brief cases or other containers into the inspection room.

e) Unless waived as provided in subsection (f) of this Section, charges for copies of public records shall be imposed as follows:

- 1) Paper--35¢--per--page--when--the--page--to--be--copied--does--not--exceed legal-size--and--51¢--per--page--when--the--page--to--be--copied--exceeds legal-size.
- 2) Magnetic tape--\$25--base--charge--for--each--request--\$2--per--17000 records--produced--or--any--part--thereof--and--\$30--for--each--magnetic tape--received--we--furnish.
- 3) Personal Computer Diskette--\$25--base--charge--for--each--request--\$2 per--17000--records--produced--or--any--part--thereof--and--\$1--for--each diskette--we--provide.
- 4) Special programming--Requests--\$105--per--hour--if--special programming is required to produce the report.
- f) Charges shall be waived if the requestor is a State agency--a constitutional officer--or a member of the General Assembly. Charges may be waived in any other case where the Freedom of information Officer determines that the waiver serves the public interest.

(Source: Amended at 25 Ill. Reg. 8139 --, effective June 22, 2001)

## SUBPART B: RULEMAKING

## Section 625.110 Presentation to the Chief of Staff Deputy Comptroller

Proposed rules, amendments to rules or repealers shall be prepared by interested personnel in the Office of the Comptroller and submitted to their

## COMPTROLLER

## NOTICE OF ADOPTED AMENDMENTS

Department Head. The Department Head may return the rules to the person submitting them with any recommendations for change he deems advisable or he may present them for approval to the Chief of Staff or his or her designee Deputy-Comptroller-responsible-for-his-Department.

(Source: Amended at 25 Ill. Reg. 8139, effective June 22, 2001)

## Section 625.120 Presentation to the Comptroller

The Chief of Staff Deputy-Comptroller shall present to the Comptroller the proposed rule including:

- a) the text of the proposed rule or the old and new material of proposed amendment or the text of the rule to be repealed,
- b) the specific statutory citation upon which the proposed action is based,
- c) a description of the subjects and the issues involved, including the reasons for the proposed action and
- d) any recommendations deemed advisable by the Chief of Staff Deputy Comptroller.

(Source: Amended at 25 Ill. Reg. 8139, effective June 22, 2001)

## Section 625.130 Action Upon Comptroller's Approval

If the Comptroller approves the proposed action, a member of the Comptroller's legal staff shall assist the Chief of Staff Deputy-Comptroller and the Department Head of the Department affected by the rule in preparing the proposed rule for submission to the Secretary of State for publication in the Illinois Register. The submission to the Secretary of State shall include the time, place and manner in which interested persons may present their views and comments concerning the intended action, including the date, place and time for any proposed hearings on the rule. The notice provisions do not apply to rules required by Section 5-15 of the Administrative Procedure Act [5 ILCS 100/5-15].

(Source: Amended at 25 Ill. Reg. 8139, effective June 22, 2001)

## SUBPART C: ORGANIZATION

## Section 625.235 Employees and Budget (Repealed)

- a) The--approximate--number-of--full--and--part--time--employees--of--the--Office--of--the--Comptroller--as--of--July--17--1984--is--418.
- b) The--total--cost--of--the--internal--operations--of--the--Office--of--the--Comptroller--for--the--fiscal--year--July--17--1983--to--June--30--1984--was--budgeted--at--\$137,168,859--in--addition--the--sum--of--\$17,838,547--was--budgeted--to--the--Comptroller--for--payment--of--various--State--officers--salaries--and--benefits.
- c) The--following--boards--with--the--members--named--serve--in--an--advisory

## COMPTROLLER

## NOTICE OF ADOPTED AMENDMENTS

capacity-to-the-Comptroller-

## 1) Personnel-Advisory-Board

Mr.-Allan-Woodson  
Mr.-Albert-Gorneal-Maule  
Mr.-Warren-Banz  
Ms.-Anna-May-Smith

## 2) Local-Audits-Advisory-Board

Ms.-Susan-Mr-Behrens  
The-Honorable-Beward-Biuthardt  
Mr.-Rich-Burd  
Dr.-R.-S.-Gupta  
James-Hilly-C-PrA-  
Mr.-William-C.-Hopkins-Gr-  
Mr.-Gary-Koch  
b.-Richard-Roman-C-PrA-  
Mr.-George-Miller  
The-Honorable-Bill-Morris  
Ms.-Barbara-A.-Peck  
Ms.-Laurel-Prussing  
Robert-W.-Thoma-C-PrA-  
Robert-Thorn-ton-C-PrA-  
Mr.-Stanley-B.-Waznis  
Mr.-Dave-West

## 3) Cemetery-Gate-Advisory-Board

Mr.-William-N.-Anspach  
Mr.-Herschei-Auerbach  
Mr.-George-W.-Doucek  
Mr.-James-Barby  
Mr.-Foran-Pr-Glock  
Mr.-Harvey-I.-Bapin  
Mr.-George-W.-Oberg  
Mr.-John-P.-Philbin  
Mr.-Greg-Renz  
Mr.-Warren-W.-Simmons

## COMPTROLLER

## NOTICE OF ADOPTED AMENDMENTS

## 4) Funeral Directors-Advisory-Board

Mr--John-Adinamis  
 Mr--Frederick-P--Cappetta  
 Ms--Ann-Cuneo  
 Mr--Virgil-B--Davis  
 Mr--Harold-P--Hagt  
 Mr--William-Herdegan  
 Mr--Arthur-C--Hornburg-Jr  
 Mr--Matt-Hamb  
 Mr--Marion-Er-Officer  
 Mr--Peter-Patton  
 Mr--W--Timothy-Simms  
 Mr--Robert-Smith  
 Mr--Elmer-Gvec  
 Mr--Mike-Weirauch  
 Mr--Donald-Cr-Wolfe  
 Mr--Allan-Yaffe

## 5) County-Audit-Advisory-Board

Mr--John-Hr-Graves  
 Mr--Irwin-Ar-Byons  
 Mr--James-Hill  
 The-Honorable-Bester-Carlson  
 Ms--Dorothy-Brost  
 Ms--Dianne-Meeks  
 Mr--Samuel-Guzzardo  
 Mr--Robert-Bahke

## 6) Municipal-Audit-Advisory-Board

Mr--Sheidon-P--Holzman  
 Mr--Theodore-Ar-Jones  
 Mr--Donald-McMillan  
 The-Honorable-Pytone-Echois  
 The-Honorable-David-Johnson  
 Mr--Roger-Cantlin  
 Mr--Carroll-J--Pry  
 Mr--Robert-Vetasquez

## 7) Comptroller-Merit-Commission

Mr--John-Whitney  
 Ms--Loveland-Bvans  
 Mr--William-Walker

8139

(Source: Repealed at 25 Ill. Reg. \_\_\_\_\_, effective June 22, 2001)

## COMPTROLLER

## NOTICE OF ADOPTED AMENDMENTS

## Section 625.245 List of Records

The following types and categories of records are maintained by the State Comptroller (not all records set forth below are available for public inspection and/or copying):

- a) All State Vouchers;
- b) All State Warrants;
- c) All State Contracts exceeding \$10,000 \$27,500 per year.
- d) State Employee Payroll Information, including names, addresses and amounts paid;
- e) Annual Reports on Illinois Bonded Indebtedness;
- f) Monthly Fiscal Reports;
- g) Satewide Accounting Management System Comptroller's-Uniform-Statewide Accounting-System-Manual;
- h) Municipal, County and Local Government Audits;
- i) Audits of Cemetery Care Funds;
- j) Various Operational Reports i.e., Computer edit and balance, verification, etc.
- k) Audits of Funeral and Burial Funds;
- l) Personnel Records for Comptroller employees;
- m) Audits of Pre-Need Cemetery Sales Act Funds.

(Source: Amended at 25 Ill. Reg. 8139 effective June 22, 2001)



COMPTROLLER  
NOTICE OF ADOPTED AMENDMENTS

Section 625.APPENDIX A Forms (Repealed)

Section 625.EXHIBIT A Request for Public Records (Repealed)

TO: FROM:  
FOI-OFFICER NAME  
DEPARTMENT/AGENCY ADDRESS  
ADDRESS PHONE-NUMBER

DESCRIPTION-OF-REQUESTED-RECORD(S):

Please--indicate--if--you-wish-to-inspect-the-above-captioned-records-or-wish-a copy-of-them:

---- Inspection ---- Copy ---- Both

Do-you-wish-to-have-copies-certified? -----

FOR-OFFICE-USE-ONLY:

Date-Received Date-Response-Due

Notations-re-Oral-Communications-or-Other-items:

(Source: Repealed at 25 Ill. Reg. 8139 --, effective June 22, 2001)

COMPTROLLER  
NOTICE OF ADOPTED AMENDMENTS

Section 625.EXHIBIT B Approval of Request for Public Records (Repealed)

TO: FROM:  
NAME FOI-OFFICER  
ADDRESS DEPARTMENT  
ADDRESS  
PHONE-NUMBER

DESCRIPTION-OF-REQUESTED-RECORDS:

Your-request-dated ----- for-the-above-captioned--records--has been-approved:

----- The-documents-you-requested-are-enclosed-  
----- The--documents-will-be-made-available-upon-payment-of-copying-costs-in the-amount-of-----

----- You-may-inspect-the-records-at-----  
----- on ----- date

FOI-OFFICER DATE

(Source: Repealed at 25 Ill. Reg. 8139 --, effective June 22, 2001)

COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

Section 625. EXHIBIT C Partial Approval of Request for Public Records  
(Repealed)

TO:

FROM:

NAME

FOI OFFICER

ADDRESS

DEPARTMENT

ADDRESS

PHONE NUMBER

DESCRIPTION OF REQUESTED RECORDS:

Your request dated \_\_\_\_\_ for the above-captioned records has  
been partially approved. Those parts of your request which have been approved:

are enclosed:

will be made available upon payment of copying costs in the amount of

may be inspected at

on \_\_\_\_\_

(date)

The following portions of your request have been denied for the reasons cited:

The individuals who have reached the determination that the records you have  
requested are to be denied are:

1. (Name and Title)

2. (Name and Title)

You have the right to appeal the denial of the records you have requested to  
the Comptroller by submitting a written notice of appeal to:

State Comptroller  
201 State House  
Springfield, Illinois 62706  
ATTN: FOIA Appeal

COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

in submitting your notice of appeal, you should include copies of your original  
request and this denial, and state any reasons why your appeal should be  
granted.

FOI OFFICER

DATE

31 99

(Source: Repealed at 25 Ill. Reg. \_\_\_\_\_, effective June 22, 2001)

COMPTROLLER  
NOTICE OF ADOPTED AMENDMENTS

Section 625, EXHIBIT D Deferral of Response to Request for Public Records  
(Repealed)

TO: FROM:  
NAME POI-OFFICER  
ADDRESS DEPARTMENT  
ADDRESS  
PHONE-NUMBER

DESCRIPTION-OF-RECORDS-REQUESTED:

the--response--to--your--request--dated-----for--the--above  
captioned records must be delayed. The delay in responding to your request is  
for the following reason(s):

(Provide--reason--for--delay--in--accordance--with--Section-3(d)--of--the  
FOIA.)

You will be notified by ----- as to the action taken on  
your request.

POI-OFFICER 31 May -

(Source: Repealed at 25 Ill. Reg. \_\_\_\_\_, effective June 22, 2001)

COMPTROLLER  
NOTICE OF ADOPTED AMENDMENTS

Section 625, EXHIBIT E Denial of Request for Public Records (Repealed)

TO: FROM:  
NAME POI-OFFICER  
ADDRESS DEPARTMENT  
ADDRESS  
PHONE-NUMBER

DESCRIPTION-OF-REQUESTED-RECORDS:

Your request dated-----for the above-captioned records has  
been denied:

----- The request creates an undue burden on the public body in accordance  
with Section 3(f) of the Freedom of Information Act, and we were  
unable to negotiate a more reasonable request.

----- The materials requested are exempt under Section 7-----of the  
Freedom of Information Act for the following reasons:

The individuals who have reached the determination that the records you have  
requested are to be denied are:

1. (Name and Title)
2. (Name and Title)

You have the right to appeal the denial of the records you have requested to  
the Comptroller by submitting a written notice of appeal to:

State Comptroller  
201 State House  
Springfield, Illinois 62766  
ATTN:-----FOIA-Appeal

In submitting your notice of appeal, you should include copies of your original  
request and this denial, and state any reasons why your appeal should be  
granted.



COMPTROLLER  
NOTICE OF ADOPTED AMENDMENTS

FOI-OFFICER -----  
DATE 8199  
(Source: Repealed at 25 Ill. Reg. 8199, effective June 22, 2001)

COMPTROLLER  
NOTICE OF ADOPTED AMENDMENTS

Section 625.EXHIBIT F FOIA Appeal--Comptroller's Response (Repealed)  
FO: -- FROM:  
-----  
NAME Roland-W.--Burris  
COMPTROLLER  
-----  
ADDRESS  
-----  
-----  
PHONE-NUMBER  
-----  
DESCRIPTION-OF-RECORDS-REQUESTED:

Noted-below-is-the-action-i-have-taken-on-your-appeal-from-the-denial--of--your  
request-for-the-above-captioned-records:

----- i--hereby--approve--your--appeal--to--the-following--extent--and--for--the  
following--reasons:

----- i-affirm-the-denial-of-your-request-made-by-the-Freedom-of-Information  
Officer:

You-are-entitled-to-judicial-review-of-any-denial-pursuant-to-Section-11-of-the  
Freedom-of-Information-Act:

-----  
Roland-W.--Burris, Comptroller Date

(Source: Repealed at 25 Ill. Reg. 8199, effective June 22, 2001)

COMPTROLLER  
NOTICE OF ADOPTED AMENDMENTS

Section 625. APPENDIX B Organization Chart  
GRAPHIC MATERIAL  
See printed copy of IAC for detail

STATE BOARD OF EDUCATION  
NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3) Section Number: 1.100  
Adopted Action: Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.25g
- 5) Effective Date of Amendment: June 21, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Has JCAR issued a Statement of Objection to this amendment? No
- 10) Differences between proposal and final version: No changes were made in the proposal.
- 11) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? The Joint Committee did not request any changes.
- 12) Will this amendment replace an emergency amendment currently in effect? No
- 13) Are there any amendments pending on this Part? No
- 14) Summary and Purpose of Amendment: Under the amended rules, applicants for waivers or modifications of mandates contained in the School Code [105 ILCS 5] or in the State Board of Education's administrative rules will be required to describe the public hearing held to consider the request. Applicants would also be required to submit copies of the notices published in a newspaper of general circulation and provided to the collective bargaining agent. These changes respond to the public's perceptions that school boards do not give adequate consideration to issues that the public raises concerning requests for waivers and modifications.

Other changes respond to recent legislation:

- P.A. 90-653, effective July 29, 1998, which makes certain requirements for requests seeking to waive the administrative expenditure limitation set forth in Section 17-1.5 of the School Code;

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENT

- P.A. 91-269, effective July 23, 1999, which prohibits waivers from Section 5-1 of the School Code concerning township treasurers and trustees; and
- P.A. 91-318, effective July 29, 1999, which authorizes regional superintendents of schools to submit waiver or modification requests on behalf of alternative schools established pursuant to Article 13A of the School Code.

15) Information and questions regarding this adopted amendment shall be directed to:

Dr. Connie J. Wise  
Research Division  
Illinois State Board of Education  
100 North First Street, S-284  
Springfield, Illinois 62777-0001  
(217) 782-3950

The full text of the adopted amendment begins on the next page:

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENT

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

## PART 1

## PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

## SUBPART A: SCHOOL RECOGNITION REQUIREMENTS

## Section

- 1.10 Public School Accountability Framework
- 1.20 Operational Requirements
- 1.30 Quality Assurance Reviews
- 1.40 Student Performance and School Improvement Requirements (Repealed)
- 1.50 State Assessment
- 1.60 Operational Compliance (Repealed)
- 1.70 Effective Dates of Accreditation (Repealed)
- 1.80 Academic Early Warning and Watch Lists
- 1.85 Revisions to School Improvement Plans
- 1.90 System of Rewards and Recognition
- 1.100 Waiver and Modification of State Board Rules and School Code Mandates

## SUBPART B: SCHOOL GOVERNANCE

## Section

- 1.210 Powers and Duties
- 1.220 Duties of Superintendent
- 1.230 Board of Education and the School Code
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## SUBPART C: SCHOOL DISTRICT ADMINISTRATION

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## Section

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- 1.430 Additional Criteria for Elementary Schools
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- 1.445 Required Course Substitute
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- 1.720 Minimum Requirements for Teachers of Middle Grades
- 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above
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- 1.740 Standards for Reading
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- 1.770 Standards for Special Education Personnel
- 1.780 Standards for Teachers in Bilingual Education Programs
- 1.781 Requirements for Bilingual Education Teachers in Grades K-12
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- APPENDIX A Professional Staff Certification
- APPENDIX B Certification Quick Reference Chart
- APPENDIX C Glossary of Terms
- APPENDIX D State Goals for Learning
- APPENDIX E Evaluation Criteria - Student Performance and School Improvement Determination (Repealed)
- APPENDIX F Criteria for Determination - Student Performance and School Improvement (Repealed)
- APPENDIX G Criteria for Determination - State Assessment (Repealed)

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 5-1, 10-17a, 10-20.14, 10-22.43a, 13A-5, 14C-8, 17-1.5, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-22, and 27-23.3 and Article 21 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 5-1, 10-17a, 10-20.14, 10-22.43a, 13A-5, 14C-8, 17-1.5, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-22, 27-23.3, 2-3.6 and Art. 21].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111, effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective August 14, 2000; amended at 25 Ill. Reg. 8159, effective JUN 2 7 00.

SUBPART A: SCHOOL RECOGNITION REQUIREMENTS

Section 1.100 Waiver and Modification of State Board Rules and School Code Mandates

- a) As authorized in Section 2-3.25g of the School Code [105 ILCS 5/2-3.25g], a school district or independent authority established pursuant to Section 2-3.25f of the School Code [105 ILCS 5/2-3.25f] or a Regional Superintendent of Schools applying on behalf of a school established pursuant to Article 13A of the School Code [105 ILCS 5/Art. 13A] may petition for:
  - 1) State Board approval of waivers or modifications of State Board of Education rules and of modifications of School Code mandates

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to allow a district to meet the intent of the rule or mandate in a more effective, efficient or economical manner or when necessary to stimulate innovation or to improve student performance; and/or

2) General Assembly approval of waivers of School Code mandates as necessary to stimulate innovation or improve student performance.

b) "The School Code" comprises only those statutes compiled at 105 ILCS 5. Waivers from State Board rules or School Code mandates pertaining to special education, teacher certification, or teacher tenure and seniority are not permitted (Section 2-3.25g of the School Code). Waivers of mandates contained in Section 5-1 of the School Code [105 ILCS 5/5-1] also shall not be requested.

c) Each application for a waiver or modification shall provide the following, on a form supplied by the State Board of Education.

1) Identification of the rule(s) or mandate(s) involved, either by quoting the exact language of or by providing a citation to the rule(s) or mandate(s) at issue. Districts unable to determine the exact language or citation may obtain a copy of, or citation to, the rule(s) or mandate(s) involved by contacting the State Board of Education Legal Department by mail at 100 North First Street, Springfield, Illinois, 62777-0001, or by telephone at 217-782-5270.-----by-----Internet-----mail-----to isbetaw@sp5-isbe-state-ill.us.

2) Identification as to the specific waiver(s) and/or modification(s) sought. For modifications, the specific modified wording of the rule(s) or mandate(s) must be stated.

3) Identification as to whether the request is for an initial waiver or modification or for the renewal of a previously approved request.

4) For requests based upon meeting the intent of the rule or mandate in a more effective, efficient, or economical manner, a narrative description which sets forth:

- A) the intent of the rule or mandate to be achieved,
- B) the manner in which the district will meet that intent,
- C) how the manner proposed by the district will be more effective, efficient or economical, and
- D) if the district proposes a more economical manner, a fiscal analysis showing current expenditures related to the request and the projected savings that would result from approval of the request.

5) If the request is necessary for stimulating innovation or improving student performance, the request must include the specific plan for improved student performance and school improvement upon which the request is based. This plan must include a description of how the district will determine success in the stimulation of innovation or the improvement of student performance.

6) If the request is for a waiver of the administration expenditure

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limitation established by Section 17-1.5 of the School Code [105 ILCS 5/17-1.5], the request must include the amount, nature, and reason for the requested relief and all remedies that have been exhausted to comply with the administration expenditure limitation and shall otherwise comply with Section 17-1.5(d) of the School Code.

76) The time period for which the waiver or modification is sought. Pursuant to Section 2-3.25g of the School Code, such time period may not exceed five years, except for requests made pursuant to subsection (c)(6) of this Section, which may not exceed one year (Section 17-1.5(d) of the School Code).

8) A description of the public hearing held to take testimony about the request from educators, parents and students, which shall include the number and affiliation of persons and organizations giving testimony and the general nature of the testimony provided.

97) An assurance stating the date(s) of the public hearing(s) on the application and, if applicable, specific plan for improved student performance and school improvement, held as prescribed in Section 2-3.25g of the School Code, and stating the date the application (and, if applicable, the plan) was approved by the local board of education.

d) Each applicant must attach to the application a copy of the notice published in a newspaper of general circulation and a copy of the written notification provided to the applicant's collective bargaining agent, each of which must comply with the requirements of Section 2-3.25g of the School Code.

ed) Applications must be sent by certified mail, return receipt requested, and addressed as specified on the application form.

fe) Applications must be postmarked not later than 15 calendar days following local board of education approval. Applications addressed other than as specified on the application form shall not be processed.

gf) Applications for the waiver or modification of State Board rules or for the modification of School Code mandates shall be deemed approved for and effective 46 calendar days after the date of receipt by the State Board of Education unless disapproved in writing. Receipt by the State Board shall be determined by the date of receipt shown on the return receipt form, except in the case of an incomplete application.

1) A district submitting an incomplete application shall be contacted by staff of the State Board regarding the need for additional information.

2) The 45-day response time referred to in this subsection (f) shall not commence until the district submits the additional material requested by the State Board, which shall be sent by certified mail, return receipt requested.

3) Incomplete requests will not be considered.

hg) The State Board may disapprove a request for the waiver or

STATE BOARD OF EDUCATION  
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modification of State Board rules or for the modification of School Code mandates if the request:

- 1) is not based upon sound educational practices,
- 2) endangers the health or safety of students or staff,
- 3) compromises equal opportunities for learning, or
- 4) does not address the intent of the rule or mandate in a more effective, efficient or economical manner or does not have improved student performance as a primary goal.

i) Disapproval of an application for a waiver or modification of a State Board rule or for a modification of a School Code mandate shall be sent by certified mail to the applicant no later than 45 calendar days after receipt of the application by the State Board. An applicant wishing to appeal the denial of a request may do so within 30 calendar days after receipt of the denial letter by sending a written appeal by certified mail to the Illinois State Board of Education, Research Division ~~Quality--Review--and--School--Accreditation~~, 100 North First Street, S-284, Springfield, Illinois 62777-0001. The written appeal shall include the date the local school board approved the original request, the citation of the rule or School Code section involved, and a brief description of the issue. Appeals of denials shall be submitted to the General Assembly in the semiannual report required under Section 2-3.25g of the School Code.

j) Applications for General Assembly approval of waivers of School Code mandates will be reviewed for completeness. Each incomplete application shall be returned to the applicant with an explanation as to the deficiencies. Complete applications shall be submitted to the General Assembly in the semiannual report required under Section 2-3.25g of the School Code. The State Board of Education shall periodically notify school districts of the date by which applications must be postmarked in order to be processed for inclusion in the next report to the General Assembly.

k) The State Board of Education shall notify Regional Superintendents of Schools of the disposition of requests for waivers or modifications submitted by school districts located within their regions.

(Source: Amended at 25 Ill. Reg. 8159 effective JUN 21 1999)

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- 1) Heading of the Part: School Technology Program
- 2) Code Citation: 23 Ill. Adm. Code 575
- 3) Section Number: Adopted Action:  
575.200 Amendment  
575.400 Amendment  
575.500 Amendment  
575.600 Amendment  
575.700 Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.117a
- 5) Effective Date of Amendments: June 21, 2001
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Has JCAR issued a Statement of Objection to these amendments? No
- 10) Differences between Proposal and final version: No changes have been made.
- 11) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? The Joint Committee did not request any changes.
- 12) Will these amendments replace emergency amendments currently in effect? No
- 13) Are there any amendments pending on this Part? No
- 14) Summary and Purpose of Amendments: The School Technology Revolving Loan Program is the first revolving loan program that the agency has operated. As such, staff identified procedural concerns (e.g., required signatures, late submissions, agency review timelines, late fees) not envisioned when the rules were first written. The rules have been amended in order to address these concerns. Additionally, a review by the agency's Internal Audit Office identified areas that the initial rules failed to address, such as reporting requirements and repayment procedures in the event that the district fails to use the loan as required.
- 15) Information and questions regarding this adopted amendments shall be directed to: Mr. Richard DeHart



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Learning Technology Division  
 Illinois State Board of Education  
 100 North First Street, W-370  
 Springfield, Illinois 62777-0001  
 (217) 782-5439

The full text of the adopted amendments begins on the next page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES  
 SUBTITLE A: EDUCATION  
 CHAPTER 1: STATE BOARD OF EDUCATION  
 SUBCHAPTER c: MISCELLANEOUS

## PART 575

## SCHOOL TECHNOLOGY PROGRAM

## SUBPART A: SCHOOL TECHNOLOGY GRANTS

Section	Purpose
575.10	Eligible Expenditures
575.20	Application Procedure and Content
575.30	Matching Requirements
575.40	Proposal Review and Approval
575.50	Terms of the Grant

## SUBPART B: SCHOOL TECHNOLOGY REVOLVING LOAN PROGRAM

Section	Purpose
575.100	Use of Funds
575.200	Maximum Amount of Loan
575.300	Application Procedures
575.400	Review of Application and Notification of Loan Award
575.500	Repayment Procedures
575.600	Terms and Conditions of Loan Agreement

AUTHORITY: Implementing and authorized by Sections 2-3.117 and 2-3.117a of the School Code [105 ILCS 5/2-3.117 and 2-3.117a].

SOURCE: Adopted at 20 Ill. Reg. 3522, effective February 13, 1996; emergency amendment at 22 Ill. Reg. 9591, effective May 22, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19770, effective November 2, 1998; amended at 23 Ill. Reg. 8370, effective July 12, 1999; amended at 25 Ill. Reg. ~~8169~~, effective JUN 21 1999.

## SUBPART B: SCHOOL TECHNOLOGY REVOLVING LOAN PROGRAM

## Section 575.200 Use of Funds

Funding is available under the School Technology Revolving Loan Fund for technology hardware investments for students and staff (Section 2-3.117a of the School Code). These items include, but are not limited to:

- a) Expenditures for the establishment of local and wide area networks (e.g., cabling from network server to other areas, termination supplies, cable testers, patch panels) and for network hardware (e.g.,

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switches, servers, hubs, modems, network adapter cards, transceivers, surge protection, uninterruptible power systems, network administration software);

b) Supplies and the cost of labor for electrical work directly related to technology (e.g., wiring, conduit, boxes, receptacles, switches, cover plates, distribution panels and breakers);

c) Hardware necessary for classroom-instruction and staff development and for classroom instruction (e.g., computers, monitors, keyboards, mice, printers, network adapters, software and licenses for applications that are used in the classroom or for staff development purposes); and

d) Other technology hardware investments directly related to classroom instruction--or staff development or to classroom instruction (e.g., scanners, projectors, LCD panels, digital cameras, camcorders).

(Source: Amended at 25 Ill. Reg. 8169 effective

JUN 21 2001)

## Section 575.400 Application Procedures.

a) The State Board of Education shall distribute application forms to all eligible school districts, as specified by Section 2-3.117a of the School Code, no later than June 1 for the following fiscal year. Applications will be due to the State Board of Education any time between July 1 and March 1 of the fiscal year in which loans will be made.

b) Each application for a loan shall include the following information:

1) A list of all applicable expenditure categories, as described in Section 575.200 of this Part, for which loan proceeds shall be used;

2) The amount of the loan requested, which shall not exceed the amount calculated pursuant to Section 575.300 of this Part;

3) A description of the proposed use(s) of the loan funds, as specified in the resolution adopted by the district's board of education authorizing submission of the loan application; and

4) Such assurances and certifications as the State Board of Education may require, to include at least the following:

A) that the loan proceeds shall be used in the grade levels specified on the application; and

B) that the board of education approved a resolution authorizing submission of the loan application, specifying the date of that approval; and

CB) that the district shall comply with Section 2-3.117a of the School Code, this Subpart and the loan agreement (see Section 575.700 of this Part).

c) Each loan application shall bear an original signatures signature of the district superintendent and of the president of the board of education and shall be sent to the State Board of Education as specified on the application form. Applications must be postmarked

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not later than within 30 calendar days following the local board of education's approval. Applications postmarked later than 30 days following local board of education approval shall be returned to the applicant as ineligible for consideration. An applicant whose request has been returned as ineligible may reapply during the funding cycle. provided it has met all of the requirements of Section 575.400 of this Part. Applications received by the division--specified--on--the--form after March 1 shall not be processed.

d) Applications received by the division specified on the form after March 1 shall not be processed.

ed) School districts are limited to one approved loan per fiscal year.

(Source: Amended at 25 Ill. Reg. 8167 effective

JUN 21 2001)

## Section 575.500 Review of Application and Notification of Loan Award

a) Applications shall be reviewed for completeness. If an application is incomplete, then State Board of Education staff shall request the needed information from the applicant no later than 20 15 calendar days following receipt of the application. Applications will not be processed until all requested information is received.

b) All complete applications that demonstrate compliance with Section 2-3.117a of the School Code and this Subpart shall be approved for funding on a first come, first served basis according to the specifications set forth in subsections (b)(1) and (b)(2) of this Section, as long as funds appropriated for a given fiscal year remain available.

1) Loan award determinations shall be made on September 15, December 15 and March 15 of each fiscal year.

2) Should the total amount of pending loan requests exceed the amount available in the School Technology Revolving Loan Fund at any point during the fiscal year, then applications from school districts with the lowest equalized assessed valuation per pupil by type of district shall be funded first.

A) Pending loan applications shall be grouped by district type (i.e., elementary, high school, unit) and then ranked by equalized assessed valuation per pupil.

B) The loan funds remaining shall be apportioned among district types by calculating the ratio of the total amount of loan requests for each district type to the total amount of all pending loan requests.

C) Equalized assessed valuation per pupil by district type shall be the determining factor for only those applications pending but not yet approved for funding.

c) Notification of a loan award shall be made no later than 15 calendar days following the award determination dates established in subsection (b)(1) of this Section. Applications not approved for funding on or

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before March 15 of the fiscal year in which the application was made shall expire.

d) Applications received after the March 1 deadline in a given fiscal year shall not be considered for funding in that fiscal year and shall be returned to the applicant.

e) Applicants otherwise eligible but not receiving loans due to insufficiency of the appropriation shall receive first consideration in the next fiscal year in which the grade levels specified on the application shall be eligible for funding.

(Source: Amended at 25 Ill. Reg. 8167, effective JUN 2 2001)

## Section 575.600 Repayment Procedures

Loans shall be repaid within three years (Section 2-3. 117a of the School Code).

a) The rate of interest shall be stipulated on the loan application and shall not be greater than 50% of the rate for the most recent date shown in the 20 G.O. Bonds Index of average municipal bond yields as published in the most recent edition of The Bond Buyer, published in New York, New York (Section 2-3.117a(a) of the School Code). Interest shall be computed quarterly.

b) Payments on the loan (principal and interest) shall be made by check on a quarterly basis in 12 equal installments.

1) Loan payments shall be due quarterly on December 30, March 30, on the last day of each quarter--five--December--31--March--31--June 30 and September 30, with the first payment under each loan due on the second due date following receipt of the loan.

2) Checks shall be made payable to the "ISBE-School Technology Revolving Loan Fund" and mailed to the Fiscal Services Division, Illinois State Board of Education, 100 North First Street, C-300, Springfield, Illinois 62777-0001.

3) Payments not received within 15 calendar days after the due date shall be assessed a penalty of 5 percent of the payment due; however, the late payment penalty shall be waived when either:

A) the postmark date on the envelope used to submit the payment is dated five days or more before the end of the 15-day grace period; or

B) the payment is not received by the State Board of Education within 60 days following the due date, but the school district provides to the State Board of Education no later than 70 days beyond the due date the following:

i) a copy of the original check, dated at least five days before the end of the 15-day grace period;

ii) a copy of the stop payment order placed on the original check; and

iii) a new check issued in the amount due.

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c) A school district may prepay the balance due on the loan in its entirety on any scheduled payment date, provided that the district first contacts the State Board of Education to obtain the total amount of the principal and interest due at that time.

(Source: Amended at 25 Ill. Reg. 8167, effective JUN 2 2001)

## Section 575.700 Terms and Conditions of Loan Agreement

a) Loan proceeds under this program shall be used exclusively for the purposes listed in Section 575.200 of this Part and shall be expended in accordance with the approved application and the applicant's policies and procedures related to such expenditures. In the event that the loan proceeds are not expended in the manner approved, then the district, upon written notification from the State Board of Education, shall be required to submit, by the next payment due date, payment of the outstanding principal of the loan and the amount of the interest accrued as of that payment due date. Loan proceeds shall be obligated no later than six months following receipt of the loan.

b) Use of loan proceeds shall be accounted for in accordance with the Program Accounting Manual (23 Ill. Adm. Code 110). For all loans approved in fiscal year 2002 and in succeeding years, loan recipients shall submit to the State Board of Education a report detailing how the loan proceeds were used. This expenditure report, to be submitted on a form supplied by the State Board of Education, shall be due not later than nine months following receipt of the loan.

c) Loan proceeds shall be included in the district's budget prepared under Section 17-1 of the School Code (105 ILCS 5/17-1).

d) In the event of default that is not cured within 90 calendar days, the State Board of Education shall deduct the amount owed from the district's next payment of general state aid, and the district shall be ineligible for additional loans until good standing has been restored.

(Source: Amended at 25 Ill. Reg. 8167, effective JUN 2 2001)



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Certification Under Medicaid Rehabilitation Option For Early Intervention Programs

- 2) Code Citation: 59 Ill. Adm. Code 122

- 3) Section Numbers: Adopted Action:

122.10 Repealed  
 122.15 Repealed  
 122.20 Repealed  
 122.25 Repealed  
 122.30 Repealed  
 122.31 Repealed  
 122.35 Repealed  
 122.40 Repealed  
 122.45 Repealed  
 122.50 Repealed  
 122.55 Repealed  
 122.60 Repealed  
 122.65 Repealed  
 122.70 Repealed  
 122.75 Repealed  
 122.80 Repealed  
 122.85 Repealed  
 APPENDIX A Repealed

- 4) Statutory Authority: Implementing and authorized by Section 9 of the Early Intervention Services System Act [325 ILCS 20/9]

- 5) Effective Date of Rulemaking: July 1, 2001

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: 02/16/01, 25 Ill. Reg. 2529

- 10) Has JCAR issued a Statement of Objection to this repealer? No

- 11) Differences between proposal and final version: None

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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- 13) Will this rulemaking replace an emergency rulemaking currently in effect?  
 NO

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: This rulemaking will be replaced by the new Early Intervention Part at 89 Ill. Adm. Code 500.

- 16) Information and questions regarding this adopted repealer shall be directed to:

Ms. Susan Weir, Bureau Chief  
 Bureau of Administrative Rules and Procedures  
 Department of Human Services  
 100 South Grand Avenue East  
 3rd Floor, Harris Bldg.  
 Springfield, Illinois 62762  
 217/785-9772

## DEPARTMENT OF HUMAN SERVICES

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1) Heading of the Part: Child Care2) Code Citation: 89 Ill. Adm. Code 503) Section Numbers: Adopted Action:

50.510	New Section
50.520	New Section
50.530	New Section
50.540	New Section
50.550	New Section
50.560	New Section
50.570	New Section
50.580	New Section

4) Statutory Authority: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13] and implementing Section 10-22 of the Department of Human Services Act [20 ILCS 1305/10-22].5) Effective Date of Amendments: June 23, 20016) Does this rulemaking contain an automatic repeal date? No7) Do these amendments contain incorporations by reference? No

## 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: February 16, 2001 (25 Ill. Reg. 2549)10) Has JCAR Issued a Statement of Objection to these amendments? No11) Differences between proposal and final version: The following changes were made in the text of the proposed amendments:

1. Section 50.510(b) was changed to read as follows: "The Great START Program shall provide wage supplements to licensed day care center, day care home and group day care home (child care facility) personnel defined as:".

2. In Section 50.510(b)(1), "child" was changed to "day".

3. In Section 50.530(a), "at its discretion" was replaced by "pursuant to subsection (e)".

4. The last sentence in 50.530(c) was changed to read as follows: "Day

## DEPARTMENT OF HUMAN SERVICES

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care home and group day care home applicants will be required to submit documentation to substantiate the hourly wage requirement, including copies of tax information and forms provided to the Internal Revenue Service and/or to the Illinois Department of Revenue."

5. In Section 50.540, "may" was changed to "shall" and "(i.e., that employer's employees cannot receive wage supplements under the program)" was added after "program".

6. In Section 50.560(a), "The Department may, at its discretion, alter the roll out schedule depending on available resources." was deleted.

7. In Section 50.560(e), "center or home" was replaced by "child care facility".

8. Nonsubstantive technical changes were made to Section 50.570.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements? Yes

13) Will these amendments replace emergency amendments currently in effect? Yes

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Rulemaking: Pursuant to provisions of [20 ILCS 1305/10-22], these amendments implement the Great START (Strategy To Attract and Retain Teachers) Program.

16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield, Illinois 62762  
Telephone number: (217) 785-9772

The full text of adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF ADOPTED AMENDMENTS

50.580 Evaluation

AUTHORITY: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13] and implementing Section 10-22 of the Department of Human Services Act [20 ILCS 1305/10-22].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9502, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 14961, effective November 10, 1997; emergency amendment at 22 Ill. Reg. 12816, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 21037, effective November 27, 1998; emergency amendment at 23 Ill. Reg. 10875, effective August 20, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 1058, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 6604, effective April 5, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 13987, effective September 1, 2000; amended at 24 Ill. Reg. 15423, effective October 10, 2000; emergency amendment at 25 Ill. Reg. 2735, effective February 5, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 8176, effective June 23, 2001, for a maximum of 150 days.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART E: GREAT START PROGRAM

Section 50.510 Great START Program

- a) Subject to a specific appropriation and for as long as funds are available, the Department, through its designated agents, shall administer the Great START (Strategy To Attract and Retain Teachers) Program.
- b) The Great START Program shall provide wage supplements to licensed day care center, day care home and group day care home (child care facility) personnel defined as:
- 1) Persons employed by a licensed day care center, including early childhood teachers, school age workers, early childhood assistants, school age assistants, and directors, as such positions are defined by the Department of Children and Family Services at 89 Ill. Adm. Code 407; and
  - 2) Persons operating or employed by a licensed day care home or group day care home, including caregivers and assistants, as such positions are defined by the Department of Children and Family Services at 89 Ill. Adm. Code 406 and 408.

(Source: Added at 25 Ill. Reg. 8176, effective JUN 24 2001)

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TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 50  
CHILD CARE

SUBPART A: GENERAL PROVISIONS

- Section
- 50.101 Incorporation by Reference
- 50.110 Participant Rights and Responsibilities
- 50.120 Notification of Available Services
- 50.130 Child Care Overpayments and Recoveries

SUBPART B: APPLICABILITY

- Section
- 50.210 Child Care
- 50.220 Method of Providing Child Care
- 50.230 Child Care Eligibility
- 50.235 Income Eligibility Criteria
- 50.240 Qualified Provider
- 50.250 Additional Service to Secure or Maintain Child Care

SUBPART C: PAYMENT FEES

- Section
- 50.310 Fees for Child Care Services
- 50.320 Maximum Annual Income and Parent Fee by Family Size, Income Level and Number of Children Receiving Care

SUBPART D: CHILD CARE ABUSE AND NEGLECT

- Section
- 50.410 Provider Eligibility
- 50.420 Payment for Child Care Services

SUBPART E: GREAT START PROGRAM

- Section
- 50.510 Great START Program
- 50.520 Method of Providing the Wage Supplement
- 50.530 Eligibility
- 50.540 Employer Responsibility
- 50.550 Notification of Eligibility
- 50.560 Phase-in of Wage Supplement Scale
- 50.570 Wage Supplement Scale



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**Section 50.520 Method of Providing the Wage Supplement**

a) The specific appropriation amount shall be divided into 12 monthly allocations to be paid out to eligible participants through 6 semi-annual payment schedules as follows:

- 1) semi-annual payments in January and July;
- 2) semi-annual payments in February and August;
- 3) semi-annual payments in March and September;
- 4) semi-annual payments in April and October;
- 5) semi-annual payments in May and November; and
- 6) semi-annual payments in June and December.

b) Applications will be processed in the order they are received. Once the monthly allocation has been obligated to eligible applicants, all remaining applications will be rolled over to the next month's allocation. That process will continue until all funds are obligated. Approved applications that have been received after all funds are obligated will be retained on file and will be considered first if additional funds become available either through increased appropriation or attrition.

c) The wage supplement shall be provided to child care personnel, as defined in Section 50.510(b) of this Section, by direct payment to the eligible applicant. The amount of the wage supplement shall be subject to applicable income taxes. All applicants will be required to submit a completed W9 certification.

d) It is the responsibility of the eligible applicant to report the income from the wage supplement to the IRS on annual tax returns in accordance with IRS rules and regulations. The Department or its agents shall report to IRS payment of wage supplements to an individual in excess of \$600.

(Source: Added 10N 2-8-2001 at 25 Ill. Reg. 8176-2, effective \_\_\_\_\_)

**Section 50.530 Eligibility**

a) To the extent resources permit, the Great START Program will be open to all eligible child care personnel statewide who have attained education above licensing requirements as defined by the administrative rules of the Illinois Department of Children and Family Services and who are employed and working in Illinois. Child care personnel may apply for wage supplements commensurate with their education. Child care personnel will be required to submit an application to determine eligibility for the wage supplement. The Department may, pursuant to subsection (e), alter and prioritize the eligibility criteria depending on available resources. For FY 2001, child care personnel must meet the following eligibility criteria:

- 1) completed 2 years of continuous full-time employment or self-employment with the same program in a position working

## DEPARTMENT OF HUMAN SERVICES

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directly with children at the time of initial application and for 6-month intervals thereafter;

2) earning an hourly wage of no more than the amount established by the T.E.A.C.H. Program income eligibility guidelines, which for FY 2001 is \$15;

3) employed in a full year, full day program, defined as a program that operates 12 months a year and serves children a minimum of 8 hours daily;

4) working full time, defined as 30 hours per week or more; and

5) working with children more than 50% of the employment day.

b) Beginning in FY 2002, in addition to the above criteria, the following eligibility criteria will be available to applicants:

- 1) completed one year of continuous employment with the same program in a position working directly with children at the time of initial application and for 6-month intervals thereafter;

2) working part time, defined as 15 to 29 hours per week (supplement will be pro-rated); or

3) employed as a program administrator working with children less than 50% of the employment day.

c) The applicant is responsible for providing all information and documentation to demonstrate his/her qualifications for a particular wage supplement level and option. Required information includes, but is not limited to, official college transcripts, name, address, telephone number, social security number, birth date, employment information verified by the employer such as employer name and address, position, wages (including pay stubs), and length of service. Day care home and group day care home applicants will be required to submit documentation to substantiate the hourly wage requirement, including copies of tax information and forms provided to the Internal Revenue Service and/or to the Illinois Department of Revenue.

d) Once an applicant is determined to be eligible for the Great START Program, he or she may apply for a wage supplement payment at 6-month intervals. Additional payments are not automatic. Child care personnel are required to submit a renewal application for additional supplements, including employment and wage documentation. Renewal applications must be submitted within 30 days after the date the individual becomes eligible for the semi-annual payment.

e) Wage supplements will be awarded as long as sufficient funds are available. Approved applications that are received after funding runs out will remain on file. These applications will be considered first for funding when additional resources become available either through increased appropriation or attrition. Approved applications will be prioritized for payment in the following order:

- 1) all applicants on a waiting list from FY 2001;
- 2) all applicants that meet criteria under subsection (a);
- 3) all applicants that meet criteria under subsection (b)(1);
- 4) all applicants that meet criteria under subsection (b)(2);

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- 5) all applicants that meet criteria under subsection (b)(3).

(Source: Added at 25 Ill. Reg. 8170-2, effective JUN 23 2004)

**Section 50.540 Employer Responsibility**

The child care employer shall be responsible for verifying the wage and employment information on the Great START application. To participate in this program, the employer may not withhold annual wage increases from an employee simply because the employee has been determined eligible for a wage supplement. The Department has the right to review books and records to verify that employee increases are not withheld. If the Department determines that a child care employer has withheld annual increases to Great START participants, the employer shall be banned from participation in the program (i.e., that employer's employees cannot receive wage supplements under the program). The Department shall reinstate the employer in the program if the employer can establish compliance with this Subpart.

(Source: Amended at 25 Ill. Reg. 8170-2, effective JUN 23 2004)

**Section 50.550 Notification of Eligibility**

The Department or its agents will notify applicants, in writing, of eligibility for the wage supplement within 60 days after receipt of the application. Child care personnel that disagree with the eligibility determination may apply for reconsideration by writing to the Great START Director within 60 days after notification of the original determination. Final decision on eligibility for the program will be made by the Great START Director after consultation with the Department or its designee.

(Source: Amended at 25 Ill. Reg. 8170-2, effective JUN 23 2004)

**Section 50.560 Phase-in of Wage Supplement Scale**

- a) The wage supplement scale, as illustrated in Section 50.570, can not be implemented in full within the FY 2001 appropriation amount. The Department will roll out the scale as outlined below. The applicant must specify what level and option he or she is applying for at the time of application. For FY 2001, child care personnel that meet or exceed the eligibility criteria defined in Section 50.530(a) may apply for a wage supplement for no less than the following parts of the scale:

- 1) Level 2, option A;
- 2) Level 2, option B;
- 3) Level 2, option C;

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- 4) Level 4, option A (IDHS/INCCRRA approved certificates only);
- 5) Level 6, option A;
- 6) Level 9, option A;
- 7) Level 10, option A.

- b) For FY 2002, child care personnel that meet or exceed the eligibility criteria in Section 50.530(a) and (b) may apply for a wage supplement for the parts of the scale identified in subsection (a) of this Section and no less than the following additional part of the scale:

- 1) Level 1;
- 2) Level 2, option D;
- 3) Level 3, option C;
- 4) Level 5, option C;
- 5) Level 6, option B;
- 6) Level 6, option E;
- 7) Level 7, option C;
- 8) Level 8, option B;
- 9) Level 8, option C;
- 10) Level 8, option D;
- 11) Level 9, option B;
- 12) Level 10, option B.

- c) For FY 2003, child care personnel that meet or exceed the eligibility criteria in Section 50.530(a) and (b) may apply for a wage supplement for the parts of the scale identified in subsections (a) and (b) of this Section and no less than the following additional parts of the scale:

- 1) Level 3, option A;
- 2) Level 3, option B;
- 3) Level 4, option B;
- 4) Level 4, option C;
- 5) Level 5, option A;
- 6) Level 5, option B;
- 7) Level 5, option D;
- 8) Level 6, option C;
- 9) Level 6, option D;
- 10) Level 7, option A;
- 11) Level 7, option B;
- 12) Level 8, option A.

- d) After the initial application and wage supplement payment, child care personnel who remain at the same Great START level with the same employer will be eligible to receive a supplement on a continuing basis at 6-month intervals. In order to increase the amount of the wage supplement, a child care worker must move to another Great START level through increased educational attainment.

- e) After the initial application and receipt of the wage supplement, child care personnel who leave the employ of a child care facility to work for a different child care facility must work for the new employer for one continuous year before he or she may reapply for subsequent wage supplement payments.

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(Source: Added at 25 Ill. Reg. 6176-3, effective  
JUN 28 2007)

Section 50.570 Wage Supplement Scale

All Assistants, Teachers, Family Child Care Providers, and Directors  
To be eligible for the program, applicants must achieve a "C" or higher in all  
early childhood/child development coursework.

<u>Level</u>	<u>Option</u>	<u>Education</u>	<u>Eligibility(2)</u>	<u>Supplement(3)</u>
<u>1</u>		6 sem. (9 qtr.) hrs. in ECE/CD(1)	A/FCC	<u>150</u>
<u>2</u>	<u>A</u>	CDA	A/FCC	<u>225</u>
<u>2</u>	<u>B</u>	CCP	A/FCC	
<u>2</u>	<u>C</u>	Montessori Credential (AMS or AMI credentials only)(4)	A/FCC	
<u>2</u>	<u>D</u>	12 sem. (18 qtr.) hrs. towards a degree (9 sem. hrs. in ECE/CD)	A/FCC	
<u>3</u>	<u>A</u>	24 sem. (36 qtr.) hrs. towards an Associates Degree in ECE/CD	A/FCC	<u>375</u>
<u>3</u>	<u>B</u>	24 sem. (36 qtr.) hrs. in related field (9 sem. hrs. in ECE/CD)	A/FCC	
<u>3</u>	<u>C</u>	CDA/CCP/Montessori Credential + 12 sem. (18 qtr.) hrs. towards a degree	A/FCC/T	
<u>4</u>	<u>A</u>	Approved Community College Early Childhood Certificate	A/FCC	<u>525</u>
<u>4</u>	<u>B</u>	36 sem. (54 qtr.) hrs. towards Associates Degree in ECE/CD	A/FCC	

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<u>4</u>	<u>C</u>	36 sem. (54 qtr.) hrs. towards a degree in related field (12 sem. hrs. in ECE/CD)	A/FCC	
<u>5</u>	<u>A</u>	48 sem. (72 qtr.) hrs. towards Associates Degree in ECE/CD	A/FCC	<u>675</u>
<u>5</u>	<u>B</u>	48 sem. (72 qtr.) hrs. towards a degree in related field (15 sem. hrs. in ECE/CD)	A/FCC	
<u>5</u>	<u>C</u>	Associates Degree with non-ECE/CD major (15 sem. or 22 qtr. hrs. in ECE/CD)	A/FCC/T	
<u>5</u>	<u>D</u>	60 sem. (90 qtr.) hrs. towards a degree in unrelated field (15 sem. hrs. in ECE/CD)	A/FCC/T	
<u>6</u>	<u>A</u>	Associates Degree in ECE/CD	A/FCC/T/D	<u>825</u>
<u>6</u>	<u>B</u>	Associates Degree in any field with 18 sem. (27 qtr.) hrs. in ECE/CD; 21 sem. hrs. for Dir.	A/FCC/T/D	
<u>6</u>	<u>C</u>	60 sem. or 90 qtr. hrs. towards a degree in ECE/CD or related field (15 sem. hrs. ECE/CD; 21 sem. hrs. for Dir.)	A/FCC/T/D	
<u>6</u>	<u>D</u>	90 sem. or 134 qtr. hrs. towards a degree in unrelated field (15 sem. hrs. in ECE/CD; 21 sem. hrs. for Dir.)	A/FCC/T/D	
<u>6</u>	<u>E</u>	Illinois Director's	A/FCC/T/D	



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7	A	72 sem. or 107 qtr. hrs. towards Bachelors Degree in ECE/CD	A/FCC/T/D	975
7	B	90 sem. or 134 qtr. hrs. towards Bachelors Degree in related field (18 sem. hrs. in ECE/CD; 21 sem. hrs. for Dir.)	A/FCC/T/D	
7	C	Bachelors Degree in unrelated field (18 sem. or 27 qtr. hrs. in ECE/CD; 21 sem. hrs. for Dir.)	A/FCC/T/D	
8	A	90 sem. or 134 qtr. hrs. towards a Bachelors Degree in ECE/CD	A/FCC/T/D	1200
8	B	Bachelors Degree in related field (24 sem. or 36 qtr. hrs. ECE/CD)	A/FCC/T/D	
8	C	Bachelors Degree in unrelated field (30 sem. or 45 qtr. hrs. in ECE/CD)	A/FCC/T/D	
8	D	Illinois Director's Credential II	A/FCC/T/D	
9	A	Bachelors Degree in ECE/CD	A/FCC/T/D	1575
9	B	Masters Degree in unrelated field (30 sem. or 45 qtr. hrs. in ECE/CD)	A/FCC/T/D	
10	A	Masters Degree in ECE/CD	A/FCC/T/D	1950

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10	B	Illinois Director's Credential III	A/FCC/T/D	
1	ECE = Early Childhood Education CD = Child Development			
2	A = Assistant, FCC = Family Child Care Provider, T = Teacher, D = Director			
3	Wage supplements are paid and shown in 6 month increments.			
4	Montessori credential from American Montessori Society or Association Montessori International.			
<p>Credentials, other than those listed, may be evaluated to determine eligibility for the position in which the applicant is currently employed.</p> <p>(Source: Added at 25 Ill. Reg. <u>8176-3</u> effective JUN 23 2001)</p>				
Section 50.580 Evaluation				
<p>The Department shall evaluate the Great START Program, gather data on turnover rates, educational attainment, and other relevant issues and submit a report to the General Assembly on the Great START Program by December 31, 2002.</p> <p>(Source: Added at 25 Ill. Reg. <u>8176-3</u> effective JUN 23 2001)</p>				

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Early Intervention Program2) Code Citation: 59 Ill. Adm. Code 1213) Section Numbers: Adopted Action:

121.10 Repealed  
 121.15 Repealed  
 121.20 Repealed  
 121.25 Repealed  
 121.30 Repealed  
 121.35 Repealed  
 121.40 Repealed  
 121.45 Repealed  
 121.50 Repealed  
 121.55 Repealed  
 121.60 Repealed  
 121.65 Repealed  
 121.70 Repealed  
 121.75 Repealed  
 121.80 Repealed  
 121.85 Repealed  
 121.90 Repealed  
 121.95 Repealed  
 121.100 Repealed  
 121.105 Repealed  
 121.110 Repealed  
 121.115 Repealed  
 121.120 Repealed  
 121.125 Repealed  
 121.130 Repealed  
 121.135 Repealed  
 121.140 Repealed  
 121.145 Repealed  
 APPENDIX A Repealed

4) Statutory Authority: Implementing and authorized by Section 9 of the Early Intervention Services System Act [325 ILCS 20/9]5) Effective Date of Repealer: July 1, 20016) Does this repealer contain an automatic repeal date?7) Does this repealer contain incorporations by reference? No

## 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED REPEALER

9) Notice of Proposal Published in Illinois Register: 02/16/01, 25 Ill. Reg. 255110) Has JCAR Issued a Statement of Objection to this repealer? No11) Differences between proposal and final version: None12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes13) Will this repealer replace an emergency repealer currently in effect? No14) Are there any amendments pending on this Part: No15) Summary and Purpose of Rulemaking: This Part will be replaced by the new Early Intervention Part at 89 Ill. Adm. Code 500.16) Information and questions regarding this adopted repealer shall be directed to:

Ms. Susan Weir, Bureau Chief  
 Bureau of Administrative Rules and Procedures  
 Department of Human Services  
 100 South Grand Avenue East  
 3rd Floor, Harris Bldg.  
 Springfield, Illinois 62762  
 (217) 785-9772

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Early Intervention Program

- 2) Code Citation: 89 Ill. Adm. Code 500

- 3) Section Numbers: Adopted Action:

500.10 New  
 500.15 New  
 500.20 New  
 500.25 New  
 500.30 New  
 500.35 New  
 500.40 New  
 500.45 New  
 500.50 New  
 500.55 New  
 500.60 New  
 500.65 New  
 500.70 New  
 500.75 New  
 500.80 New  
 500.85 New  
 500.90 New  
 500.95 New  
 500.100 New  
 500.105 New  
 500.110 New  
 500.115 New  
 500.120 New  
 500.125 New  
 500.130 New  
 500.135 New  
 500.140 New  
 500.145 New  
 500.150 New  
 500.155 New  
 500.160 New  
 500.165 New  
 500.170 New  
 APPENDIX A New  
 APPENDIX B New  
 APPENDIX C New  
 APPENDIX D New  
 APPENDIX E New

- 4) Statutory Authority: Implementing and authorized by the Early Intervention Services System Act [325 ILCS 20] and Part C of the Individuals with Disabilities Education Act (IDEA) (20 USC 1400 et seq., as amended in 1997).

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## NOTICE OF ADOPTED RULES

- 5) Effective Date of Rules: July 1, 2001

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these rules contain incorporations by reference? No

- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: 2/16/01, 25 Ill. Reg. 2589

- 10) Has JCAR Issued a Statement of Objection to these rules? No

- 11) Differences between proposal and final version: Change Chapter Heading from "I" to "IV".

In heading, added "SUBCHAPTER e: Early Childhood Services".

In Table of Contents, added:

"APPENDIX B Assessment Instruments"  
 "APPENDIX C Requirements for Professional and Associate Level Part C Early Intervention (EI) Credentialing, Continuing Education and Enrollment to Bill"  
 "APPENDIX D Use of Associate Level Providers"  
 "APPENDIX E Medical Conditions Resulting in High Probability of Developmental Delay (not an exclusive list)".

In the AUTHORITY, deleted "as amended in 1997"

In Section 500.20, added definition: "Day", for the purposes of this Part, means calendar day."

In Section 500.20, under EI services, changed "the State" to "this Part".

In Section 500.20, under the definition of "Eligible Children", in the paragraph that starts "Physical or Mental Condition", after diagnosis", added "(see Appendix E)".

In Section 500.20, under the definition of "Eligible Children", in the subparagraph that starts "a parent who has been medically diagnosed", changed "DSM IV" to "Diagnostic and Statistical Manual IV (DSM IV) (1994; American Psychiatric Association, 1400 K Street NW, Washington, D.C. 20005)".



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In Section 500.20, under "Lead agency", added "Governor and the Act, responsible for administering the Act and this Part in accordance with".

In Section 500.30(a), after "information", added "(e.g., location of regional intake entities and/or toll free numbers)".

In Section 500.30(b), after "line", added "(1-800-843-6154 voice and 1-800-447-6404 TTY)" and deleted "(voice, TTY and language appropriate). The number shall be published".

In Section 500.30(c), after "required", added "(e.g., location of regional intake entities and/or toll free numbers)".

In Section 500.45(a), deleted "to identify required child find activities".

In Section 500.50(b)(1), after the period, added "(See Appendix B.)".

In Section 500.50(c), changed text to read:

"c) Eligibility shall be determined annually. Children will continue to be eligible if they:

1) have entered the program under any of the eligibility criteria in subsection (a) but no longer meet the current eligibility criteria under this Section; and

2) either:

A) continue to have any measurable delay; or

B) have not attained a level of development in each area, including cognitive, physical (including vision and hearing), language, speech and communication, psycho-social, or self-help skills, that is at least at the mean of the child92s age equivalent peers; and

3) have been determined by the multidisciplinary IFSP team to require the continuation of early intervention services in order to support continuing developmental progress, pursuant to the child92s needs, and provided in an appropriate developmental manner.

The type, frequency, and intensity of services will differ from the initial individualized family service plan because of the child's developmental progress, and may consist of only service coordination, evaluation and assessments."

In Section 500.55(a)(1), deleted "prior approved" and added "prior to

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purchase".

In Section 500.55(d), changed "which" to "that" and deleted "family training," and "and support".

In Section 500.55(g), last paragraph, changed "baby" to "child".

In Section 500.55(o), deleted "service".

In Section 500.60(a), after the period, added "(See Appendix C.)".

In Section 500.60(b), after the period, added "(See Appendix C.). The use of non-enrolled credentialed Associate Providers is set out in Appendix D.".

In Section 500.60(c), after the period, added "(See Appendix C.)".

In Section 500.60, added

"d) In order to serve Medicaid eligible children, the provider shall enroll with the Department of Public Aid to become a Medicaid provider.".

In Section 500.65(a), changed "visits" to "Other visits".

In Section 500.65(d), changed "If the Department approves" to "The Department will approve within 14 days". Also, changed "it" to "and" after the comma.

In Section 500.65(e) after "may", added "within 14 days".

In Section 500.65(h) after "team", added "monitoring".

In Section 500.65(j) after "non-compliance", added "with this Part".

In Section 500.70(d), changed "reasonable" to "10 days".

In Section 500.75(a)(1), deleted "in the Department required format".

In Section 500.75(c) after "meeting", added "(e.g., by teleconference or mail)".

In Section 500.80(g), changed "thereto" to "in an IFSP" and after "given", added "10 days" and after "If", deleted "such".

In Section 500.85(d), changed "prior approved" to "pre-approved".

In Section 500.90(a) after "means", added "(e.g., by teleconference or

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mail)".

In Section 500.90(b) after "using", added "a" and after "instrument", added "(see Appendix B)".

In Section 500.95 after "moves", added "or is anticipating a move".

In Section 500.110(i), changed "Records" to lower case.

In Section 500.115(c), deleted "and timely" and after "IFSP" added "in a timely manner".

In Section 500.115(k) before "provider", added "the", deleted "either"; after "by", added ":1)" and after "or", added "2)". Also changed ", or by installation and repayments" to "or in installments".

In Section 500.130(b), changed "Early Intervention" to lower case.

In Section 500.130(f)(1)(B) after "loss", deleted "of".

In Section 500.130(f)(2)(B), changed "on" to "in".

In Section 500.130(f)(3) after "decide", added "within 10 days" and deleted "in a timely fashion".

In Section 500.130(g), added "500." before "145" and "140" and changed "of" to "after".

In Section 500.140(a), added "(2000)" after "300.22".

In Section 500.140(c)(8), changed "FRI" to "Family Resource Inventory".

In Section 500.140(r) after "arguments", added "to complete the process within 45 days".

In Section 500.140(u) before "cause", added "good".

In Section 500.170(a), changed "public agency" to "State agency, regional intake entity or provider".

In Section 500.APPENDIX A, changed "shown" to "reported".

Added 500.APPENDIX B, 500.APPENDIX C, 500.APPENDIX D, and 500.APPENDIX E

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter? Yes

13) Will these rules replace any emergency rules currently in effect? No

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14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Rules: This rulemaking implements the State Early Intervention Program and the Infants and Toddlers with Disabilities Program under Part C of the Individuals with Disabilities Education Act, as amended in 1997. The rule describes the Statewide Early Intervention delivery system and implementation of system components as required in 20 USC 1435. This rulemaking describes the Statewide intake system, available services and delivery thereof, provider enrollment, funding mechanisms, appeal processes and safeguards, and Department monitoring procedures.

16) Information and questions regarding this adopted rulemaking shall be directed to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield, Illinois 62762  
217/785-9772

The full text of adopted rules begins on the next page:

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TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER e: EARLY CHILDHOOD SERVICES

## PART 500

## EARLY INTERVENTION PROGRAM

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- APPENDIX E Medical Conditions Resulting in High Probability of Developmental Delay (not an exclusive list)

AUTHORITY: Implementing and authorized by the Early Intervention Services System Act [325 ILCS 20] and Part C of the Individuals with Disabilities Education Act (IDEA) (20 USC 1400 et seq.).

SOURCE: Adopted at 25 Ill. Reg. 8190 effective

## SUBPART A: GENERAL PROVISIONS

## Section 500.10 Purpose

The requirements contained in this Part are to define implementation of the Early Intervention Services System Act [325 ILCS 20] (hereafter "Act"), and Part C of the Individuals with Disabilities Education Act (IDEA) (20 USC 1400 et seq., as amended in 1997). The requirements describe the statewide early intervention service program for children, birth to 36 months old, who have disabilities due to developmental delay, have an eligible mental or physical condition that typically results in developmental delay, or have been determined through informed clinical judgment to be at risk of substantial developmental delay as set forth in this Part.

## Section 500.15 Incorporation by Reference

Any rules or standards of an agency of the United States or of a nationally recognized organization or association that are incorporated by reference in this Part are incorporated as of the date specified, and do not include any later amendments or editions.

## Section 500.20 Definitions

"Act" means the Early Intervention Services System Act [325 ILCS 20].



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"Child find" means an activity that identifies potentially eligible infants and toddlers.

"Council" or "ICEI" means the Illinois Interagency Council on Early Intervention established under Section 4 of the Early Intervention Services System Act.

"Day", for purposes of this Part, means calendar day.

"Department" means the Illinois Department of Human Services.

"Early intervention services" or "EI services" means services that:

are designed to meet the developmental needs of each child eligible under the Act and the needs of his or her family;

are selected in collaboration with the child's family;

are provided under public supervision;

are provided at no cost except where a schedule of sliding scale fees or other system of payments by families has been adopted in accordance with State and federal law;

are designed to meet an infant's or toddler's developmental needs in any of the following areas:

cognitive development;

physical development, including vision and hearing;

language, speech and communication development;

social-emotional development; or

adaptive self-help skills development;

meet the standards of this Part, including the requirements of the Act;

include one or more of the services set forth in Section 500.55;

are provided by qualified personnel, as set forth in Section 500.60;

are provided in conformity with an Individualized Family Service Plan;

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are provided throughout the year; and

are provided to the maximum extent appropriate in natural environments, including the home and community settings that are natural or normal for the child's age peers who have no disability.

"Early Intervention Services System" or "System" means the system of service delivery described in this Part that implements Part C of IDEA in Illinois and the Illinois Early Intervention Services System Act.

"Eligible children" or "eligible child" means infants and toddlers under 36 months of age with any of the following conditions:

Developmental delay;

A physical or mental condition that typically results in developmental delay; or

At risk of having substantial developmental delays, according to informed clinical judgment.

"Developmental delay" means a Department determined eligible level of delay (30% and above) in one or more of the following areas of childhood development: cognitive; physical, including vision and hearing; language, speech and communication; social-emotional; or adaptive self-help skills, as measured by Department approved diagnostic instruments and standard procedures or as confirmed through informed clinical judgment of the multidisciplinary team if the child is unable to be appropriately and accurately tested by the standardized measures available.

"Physical or mental condition that typically results in developmental delay" means a medical diagnosis (see Appendix E) approved by the Department as an eligible condition or confirmed by a qualified family physician, pediatrician or pediatric sub-specialist as being a condition with a relatively well known expectancy for developmental outcomes within varying ranges of developmental disabilities. Pediatric subspecialists included are those such as pediatric neurologists, geneticists, pediatric orthopedic surgeons and pediatricians with special interest in disabilities.

"At risk of substantial developmental delay, according to informed clinical judgment" means that there is multidisciplinary team consensus that development of a Department determined eligible level of delay is probable if early intervention

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services are not provided, because a child is experiencing either:

a parent who has been medically diagnosed as having a severe disorder as set forth under axis I and axis II of the Diagnostic and Statistical Manual IV (DSM IV) (1994; American Psychiatric Association, 1400 K Street NW, Washington, D.C. 20005) or a developmental disability; or

three or more of the following risk factors:

current alcohol or substance abuse by the primary caregiver;

primary caregiver who is currently less than 15 years of age;

current homelessness of the child;

chronic illness of the primary caregiver;

alcohol or substance abuse by the mother during pregnancy with the child;

primary caregiver with a level of education equal to or less than the 10th grade, unless that level is appropriate to the primary caregiver's age;

an indicated case of abuse or neglect regarding the child and the child has not been removed from the abuse or neglect circumstances.

Services for children determined to be "at risk" shall not be funded under Federal Part C funding, nor subject to its requirements, unless Part C funding for "at risk" services is requested by the lead agency.

"Evaluation/Assessment" or "Evaluation" means the initial and ongoing procedures used by appropriate qualified personnel to determine:

a child's eligibility under this Part in accordance with the definition of "eligible infants and toddlers";

the child's status in each of the developmental areas set forth in "early intervention services";

the child's unique strengths and needs;

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the services appropriate to meet those needs;

the resources, priorities, and concerns of the family; and

the supports and services necessary to enhance the family's capacity to meet the developmental needs of its infant or toddler with a disability.

"Individualized Family Service Plan" or "Plan" or "IFSP" means a written plan for providing early intervention services to an eligible child and the child's family, as set forth in Subpart C.

"Lead agency" means the State agency, as designated by the Governor and the Act, responsible for administering the Act and this Part in accordance with federal laws and rules. The Illinois Department of Human Services has been so designated.

"Local interagency agreement" means an agreement entered into by local community and State and regional agencies receiving early intervention funds directly from the State and made in accordance with State interagency agreements providing for the delivery of early intervention services within a local community area.

"Local interagency council" or "LIC" means a local advisory body established for each designated geographic intake region as set forth in Section 6 of the Early Intervention Services System Act.

"Local service area" means a local interagency council region.

"Multidisciplinary team" means a group of people concerned with the welfare of the child, including the child's parent/guardian, service coordinator and members from two or more disciplines involved in the provision of integrated and coordinated services, including evaluation and assessment activities, who determine a child's eligibility for services under this Part by consensus. Disciplines represented may include a developmental therapist, a social service professional such as a social worker or psychologist and/or a medical/health professional such as a nurse or physical therapist.

"Natural environment" means home and community settings that are natural or normal for the child's age peers who have no disability.

"Parents" means a parent, a guardian, a person acting as a parent of a child or a surrogate parent appointed as set forth in this Part.

"Part B" means Part B of the Individuals with Disabilities Education Act (20 USC 1400 et seq.) (IDEA) governing "Assistance for Education of All Children with Disabilities".

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"Part C" means Part C of IDEA (20 USC 1400 et seq.) governing "Infants and Toddlers with Disabilities".

"Regional intake entity" means the Department's designated entity responsible for implementation of the Early Intervention Services System within its designated geographic area as set forth in Section 500.45.

"Transition" is the process of transferring eligible children receiving early intervention services under this Part out of such services to Part B services or to other appropriate developmental or educational services.

## SUBPART B: COMPONENTS OF THE STATEWIDE SYSTEM

## Section 500.25 Public Awareness and Child Find

a) The Department shall provide ongoing and continuous public awareness efforts focused on the early identification of eligible children throughout the State. Public awareness information will include:

- 1) the purpose and scope of the System;
  - 2) how to make referrals;
  - 3) how to gain access to a comprehensive multidisciplinary evaluation and other early intervention services; and
  - 4) information about the Central Directory (see Section 500.30).
- The Department may make direct mailings to primary referral sources as defined in this Part, distribute pamphlets and posters at pertinent locations and use media releases and campaigns to the public and professional organizations as necessary to create awareness, in addition to the activities set forth in this Part.

Primary referral sources are required by 34 CFR 303.321(d)(2)(ii) to make referrals to the EI System no more than two working days after a potentially eligible child is identified.

b) The regional intake entity as set forth in Section 500.45 serves as the central intake for each eligible child within its geographical area. By use of the central directory as set forth in Section 500.30, primary referral sources can identify and contact the appropriate regional entity. Primary referral sources include:

- 1) hospitals, including perinatal and post-natal care facilities;
- 2) physicians;
- 3) parents;
- 4) child care programs;
- 5) local educational agencies;
- 6) public health facilities;
- 7) other social services agencies; and
- 8) other health care providers.

c) The local interagency council shall be responsible for coordination, design and implementation of child find and public awareness

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activities for their geographic region. Such efforts shall take into consideration the region's cultural, communication, geographical and socio-economic make-up.

d) The regional intake entity and the local interagency council shall assure that activities are coordinated with comprehensive local and statewide efforts and shall provide information to the Department as requested and required in order for the Department to monitor the effectiveness of the efforts and determine possible gaps in public awareness and child find. If gaps are determined, the regional intake entity and the local interagency council shall increase efforts as required.

e) Local interagency councils shall assist in:

- 1) Development of collaborative agreements between local service providers, diagnostic and other agencies providing additional services to the child and family and agreements related to transition and integration of eligible children and families into the community;
- 2) Local needs assessment, planning and evaluation efforts;
- 3) Identification and resolution of local access issues;
- 4) Provider recruitment; and
- 5) Development of an annual report to the Council regarding child find and public awareness.

f) The Department has entered into interagency agreement with the Illinois State Board of Education (ISBE) regarding coordinating ISBE's responsibility under Part B of IDEA to conduct child find of 0-21 year olds with the Department responsibility under Part C. Local education agencies (LEAs) are responsible to ISBE for carrying out specific obligations regarding child find.

- 1) LEAs shall:
  - A) conduct public awareness activities targeting families and other primary referral sources;
  - B) conduct screenings (by developmental checklists) to actively seek out infants and toddlers with disabilities or delays, report to the Department on these screenings and maintain procedures to assure compliance with the two-day referral time frame (schedules of screening dates and locations will be provided to the regional intake entity, other providers and the local advisory body);
  - C) work closely with their regional intake entity to assure evaluations of identified children; and
  - D) participate actively in their local advisory body (and as a member participate in coordination of public awareness and child find).
- 2) ISBE will:
  - A) provide technical assistance to LEAs to carry out screening and identification;
  - B) monitor to assure that services are available in each LEA jurisdiction;



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- c) if notified by the Department that an LEA is not providing appropriate public awareness and child find, contact the LEA to assure the establishment of appropriate awareness, screening and identification (and report effort and screening dates back to the Department).

## Section 500.30 Central Directory

- a) The State is required by Section 632(7) of IDEA (20 USC 1432(7)) and rules promulgated under that Section to maintain a Central Directory that includes information (e.g., location of regional intake entities and/or toll free numbers) on the Early Intervention Services System.
- b) The data shall be made available in each geographic region of the State in a manner so as to ensure accessibility by persons with disabilities. Families may obtain information from a toll-free Department help line (1-800-843-6154 voice and 1-800-447-6404 TTY).
- c) Public and private early intervention service providers, resources, experts, professionals and other groups providing assistance to eligible children and their families shall provide information as required (e.g., location of regional intake entities and/or toll free numbers) to the Department in order to maintain the Central Directory.

## Section 500.35 Local Interagency Councils

There will be local interagency councils designated by the Department in conjunction with the IICFI for each regional intake geographical area throughout the State. The councils shall be composed of parents, providers and others that provide services to the birth to three population as set forth in Section 6 of the Act.

## Section 500.40 Illinois Interagency Council on Early Intervention

The Illinois Interagency Council on Early Intervention (IICFI) established in Section 4 of the Act shall carry out statewide responsibilities regarding the Early Intervention Services System as set forth in this Part.

## Section 500.45 Regional Intake Entities

The Department will assure the designation of regional intake points as necessary to accomplish consistent, System intake and service coordination throughout the State. The regional entity shall be the contracted entity responsible for implementation of the Early Intervention Services System within its designated geographical area. The regional entity shall:

- a) Participate in public awareness and child find activities by disseminating information to primary referral sources and working with local interagency councils.
- b) Provide adequate accessible space/facilities to store permanent early intervention records and to house staff.

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- c) Select, train, and supervise qualified staff to carry out the following tasks within the System specified time frames:

- 1) Receive referrals.
- 2) Develop, maintain and process the permanent early intervention case record in accordance with policies set forth by the Department.
- 3) Provide information about the Early Intervention Services System, including rights and procedural safeguards and available advocacy services, to families and initiate intake with parental consent.
- 4) Coordinate EI and non-EI services for enrolled families.
- 5) Ensure that eligibility is determined according to the Department's early intervention eligibility criteria.
- 6) Comply with family fee policies and procedures as set by the Department.
- 7) Develop the initial IFSP with the family, within 45 days after referral, consistent with requirements in this Part and federal regulations.
- 8) Monitor that the integrity of the IFSP process is maintained and completed through accurate, timely and complete implementation of the services as mutually determined and agreed to by the IFSP Team, and consented to in writing by the child's parent/guardian.
- 9) Monitor that the Part C funds are the "payor of last resort" to the extent allowed by law. This includes assistance in accessing resource supports, including but not limited to Medicaid (Title XIX), the State Child Health Insurance Program (Title XXI), the Division of Specialized Care for Children (Title V) and private insurance.
- 10) Assist the family in monitoring IFSP implementation and obtain updated documentation from service providers listed on the IFSP in accordance with this Part, communicating regularly with the family using a variety of face-to-face, telephone, written correspondence, and other methods, including team meetings, to ensure that the family is well informed and an active participant in the implementation of the IFSP.
- 11) Assure that IFSPs are reviewed at least every six months and updated annually.
- 12) Assure that transition planning, case transfer and case closure occur consistent with the requirements of this Part.
- 13) Be knowledgeable of and comply with all applicable federal and State laws, guidelines, procedures, rules, regulations, and executive orders applicable to its activities, including, but not limited to:
  - A) The Individuals with Disabilities Education Act (20 USC 1400 et seq.). The United States Department of Education regulations for the early intervention program for Infants and Toddlers with Disabilities (34 CFR 303) and the Illinois Early Intervention Services System Act.
  - B) The federal Family Education Rights and Privacy Act (FERPA)

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(20 USC 1232g, 1232h) and the United States Department of Education implementing regulations (34 CFR 99); the Illinois School Student Records Act [105 ILCS 10].

- C) The Americans with Disabilities Act (42 USC 12131-12134).
- d) Maintain a directory of non-EI financial resources and support services for use with families.
- e) Assist families in accessing non-EI financial resources and support services by making appropriate referrals while the child is enrolled with the Early Intervention Services System and at transition. Children found ineligible should be offered referrals for non-EI community resources prior to case closure.
- f) Maintain administrative and programmatic contact with all EI service providers in the service area.
- g) Participate in routine monitoring and technical assistance activities as required by the Department, including on-site monitoring, data collection and reporting obligations, record reviews, financial audits, complaint investigations, and consumer satisfaction surveys.

## Section 500.50 Eligibility

- a) An Illinois child under the age of 36 months of age and his or her family are eligible for services set forth in this Part if the child:
  - 1) is experiencing a Department determined eligible level of developmental delay; or
  - 2) is experiencing a medically diagnosed physical or mental condition that typically results in developmental delay; or
  - 3) is, according to informed clinical judgment of the qualified multidisciplinary team, at risk of substantial developmental delay.
- b) Eligibility must be determined by consensus of a qualified multidisciplinary team, with members from two or more disciplines, using one or more of the following:
  - 1) One or more standardized evaluations or criterion referenced measures approved by the Department. (See Appendix B.) If a child is unable to be appropriately and accurately tested by the standardized measures available, informed clinical judgment of the qualified multidisciplinary team may be used to document the level of delay. Activities to determine clinical judgment shall include observation and parent report and shall be described in the team's written report documenting the team's informed clinical judgment that the child is experiencing delay at a level determined by the Department to be eligible;
  - 2) Specific medical diagnosis as determined by the Department. If a child exhibits a medical condition not approved by the Department as being an eligible condition, the qualified multidisciplinary team may use written verification by a qualified pediatrician or pediatric sub-specialist (pediatric neurologist, geneticist, pediatric orthopedic surgeon, pediatrician with special interest

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in disabilities) that the child's medical condition typically results in substantial developmental delay within the varying ranges of developmental disabilities; or

- 3) Written verification of the multidisciplinary team's consensus that, based on informed clinical judgment, development of substantial developmental delay is probable if early intervention services are not provided to the child who is experiencing risk factors as defined in Section 500.20. This report must also identify which risk factors the child is experiencing.

c) Eligibility shall be determined annually. Children will continue to be eligible if they:

- 1) have entered the program under any of the eligibility criteria in subsection (a) but no longer meet the current eligibility criteria under this Section; and
- 2) either:
  - A) Continue to have any measurable delay; or
  - B) have not attained a level of development in each area, including cognitive, physical (including vision and hearing), language, speech and communication, psycho-social, or self-help skills, that is at least at the mean of the child's age equivalent peers; and

- 3) have been determined by the multidisciplinary IFSP team to require the continuation of early intervention services in order to support continuing developmental progress, pursuant to the child's needs, and provided in an appropriate developmental manner.

The type, frequency, and intensity of services will differ from the initial individualized family service plan because of the child's developmental progress, and may consist of only service coordination, evaluation and assessments.

- d) If a family removes a child from services prior to reaching age three years and the child is later referred again, the child must meet eligibility criteria in effect at the time of the subsequent referral in order to be re-enrolled.

## Section 500.55 Early Intervention Services/Devices

Early intervention services as defined in Section 500.20 may include the following as deemed necessary under the IFSP:

- a) Assistive technology, including:
  - 1) Assistive technology devices, meaning any item, piece of equipment or product system that is used to increase, maintain, or improve the functional capabilities of children with disabilities. Devices must be approved prior to purchase by the Department. Prior approval will not exclude assistive technology devices as defined in this Part that are required in order to meet the child's EI needs. Devices that meet the medical, life sustaining or routine daily needs of the child do not fall within

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the definition of assistive technology device.

- 2) Assistive technology services, meaning services that directly assist a child with a disability in selection, acquisition, or use of an assistive technology device.

- b) Audiology, aural rehabilitation/other related services for the purposes of:

- 1) Identification of children with auditory impairment, using appropriate criteria and audiologic screening techniques;
- 2) Determination of the range, nature, and degree of hearing loss and communication functions by use of audiological evaluation procedures;
- 3) Referral for medical testing and other services necessary for the habilitation or rehabilitation of children with auditory impairment;
- 4) Provision of auditory training, aural rehabilitation, speech reading and listening device orientation and training, and other related services;
- 5) Determination of the child's need for individual amplification, including selecting, fitting, and dispensing appropriate listening and vibrotactile devices, and evaluating the effectiveness of those devices;
- 6) Family training, education and support provided to assist the child's family in understanding the child's special needs as related to audiology, aural rehabilitation and other related services and to enhancing the child's development.

- c) Developmental therapy services for the purposes of:

- 1) Evaluation/assessment, IFSP development, provider to provider consultation and treatment planning that leads to achieving IFSP outcomes, special instruction activities defined in the IFSP that promote acquisition of skills in various developmental areas, including cognitive processes and social interaction, provision of information and support related to enhancing the child's skill development.

- 2) Family training, education and support provided to assist the child's family in understanding the child's special needs as related to developmental therapy services and to enhancing the child's development.

- d) Family training and support that can include education provided to assist the family of an eligible child in understanding the needs of the child as related to the provider's specific discipline and to enhancing the child's development.

- e) Health consultation by a licensed physician who has provided recent and/or ongoing medical treatment for the child with service providers who are identified on a child's IFSP as members of the child's multidisciplinary team concerning the child's health care needs that impact the provision of early intervention services.

- f) Medical services for diagnostic or evaluation purposes provided by a licensed physician to determine a child's developmental status and

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need for early intervention services.

- g) Nursing services for the purposes of:

- 1) Evaluation to determine a child's developmental status and need for early intervention services;
- 2) Assessment to determine a child's health status and identify the need for medical referrals;
- 3) Provision of required nursing care during the time the child is receiving other early intervention services, such as:
  - A) administration of medications, treatments, and regimens prescribed by a licensed physician; and
  - B) clean intermittent catheterization, tracheostomy care, tube feeding, the changing of dressings or colostomy collection bags, and other health services as required to allow the child to participate in other EI services;
- 4) Family training, education and support provided to assist the child's family in understanding the child's needs as related to nursing services and to enhancing the child's development.

Nursing services do not include hospital or home health nursing care required due to surgical or medical intervention or medical health services such as immunizations and regular "well child" care that are routinely recommended for all children.

- h) Nutrition services for the purposes of:

- 1) Conducting individual assessments in nutritional history and dietary intake, anthropometric, biochemical, and clinical variables, feeding skills and feeding problems, and food habits and food preferences;
- 2) Developing and monitoring appropriate plans to address the nutritional needs of the eligible child based upon individual assessment;
- 3) Making referrals to appropriate community resources to achieve plans; and
- 4) Family training, education and support provided to assist the child's family in understanding the child's needs as related to nutrition services and to enhancing the child's development.

- i) Occupational therapy services to address the functional needs of a child related to adaptive development; adaptive behavior and play; and sensory, motor, and postural development. These services are designed to improve the child's functional ability to perform tasks in home, school, and community settings and include:

- 1) Evaluation/assessment and intervention;
- 2) Adaptation of the environment and selection, design and fabrication of assistive and orthotic devices to facilitate development and promote the acquisition of functional skills;
- 3) Prevention or minimization of the impact of initial or future impairment, delay in development, or loss of functional ability; and
- 4) Family training, education and support provided to assist the child's family in understanding the child's needs as related to



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occupational therapy services and to enhancing the child's development.

- j) Physical therapy services to address the promotion of sensorimotor function through enhancement of musculoskeletal status, neurobehavioral organization, perceptual and motor development, cardiopulmonary status, and effective environmental adaptation. These services include:

- 1) Evaluation/assessment of infants and toddlers to identify movement dysfunction;
- 2) Obtaining, interpreting, and integrating information appropriate to program planning to prevent, alleviate, or compensate for movement dysfunction and related functional problems;
- 3) Providing individual and group services or treatment to prevent, alleviate, or compensate for movement dysfunction and related functional problems; and
- 4) Family training, education and support provided to assist the child's family in understanding the child's needs as related to physical therapy services and to enhancing the child's development.

- k) Psychological and other counseling services for the purposes of:

- 1) Evaluation to determine a child's developmental status and need for early intervention services;
- 2) Administering psychological or developmental tests and assessment procedures to determine the need for psychological or other counseling services;

- 3) Interpreting evaluation results;

- 4) Obtaining, integrating and interpreting information about child behavior and child and family conditions related to learning, mental health, and development;

- 5) Planning and managing a program of psychological or other counseling services, including psychological or other counseling for children and parents, family counseling, consultation on child development, parent training, and education programs; and
- 6) Family training, education and support provided to assist the child's family in understanding the child's needs as related to psychological or other counseling services and to enhancing the child's development.

- 1) Service coordination carried out by a service coordinator to assist and enable a child eligible under Part C and the child's family to receive the rights, procedural safeguards, and services that are authorized to be provided through the State's early intervention program, including:

- 1) Providing comprehensive case management to coordinate EI and non-EI services provided for the child and family;
- 2) Contacting the child/family as needed to assist the family in monitoring provision of needed evaluation/assessments and services;

- 3) Facilitating and participating in the development, review and

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updating of Individualized Family Service Plans;  
4) Facilitating the development of a transition plan to preschool services;

- 5) Facilitating referrals for appropriate EI and non-EI services and supports; and

- 6) Developing and maintaining the child's permanent and electronic EI record at the regional intake entity.

- m) Social work and other counseling services for the purposes of:

- 1) Evaluation to determine a child's developmental status and need for early intervention services;
- 2) Making home visits to assess a child's living conditions and patterns of parent-child interaction to determine the need for social work or other counseling services;
- 3) Preparing a social or emotional developmental evaluation of the child within the family context;
- 4) Providing individual and family group counseling with parents and other family members, and appropriate social skill building activities with the child and parents;
- 5) Working with those problems in the child's and family's living situation (home, community, and any center where early intervention services are provided) that affect the child's maximum utilization of early intervention services;
- 6) Identifying, mobilizing, and coordinating community resources and services to enable the child and family to receive maximum benefit from early intervention services; and
- 7) Family training, education and support provided to assist the child's family in understanding the child's needs as related to social work or other counseling services and to enhancing the child's development.

- n) Speech-language therapy services for the purposes of:

- 1) Evaluation/assessment activities to identify communicative or oropharyngeal disorders and delays in development of communication skills, including the diagnosis and appraisal of specific disorders, and delays in those skills;

- 2) Referral for medical or other professional services necessary for the habilitation or rehabilitation of children with communicative or oropharyngeal disorders and delays in development of communication skills;

- 3) Provision of services for the habilitation, rehabilitation, or prevention of communicative or oropharyngeal disorders and delays in development of communication skills; and

- 4) Family training, education and support provided to assist the child's family in understanding the child's needs as related to speech therapy services and to enhancing the child's development.

- o) Transportation services (e.g., loaded mileage for travel by taxi, common carrier or car) provided in accordance with the Department's EI transportation policies to enable an eligible child and the child's family to travel to and from the location where the child receives

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another early intervention service.

- p) Vision services for the purposes of:
- 1) Evaluation/assessment of visual functioning, including the diagnosis and appraisal of specific visual disorders, delays and abilities;
  - 2) Referral for medical or other professional services necessary for the habilitation and/or rehabilitation of visual functioning disorders;
  - 3) Communication skills training, orientation and mobility training for all environments, visual training, independent living skills training, and additional training necessary to activate visual motor abilities;
  - 4) Orientation/mobility and other vision services related to improvement of visual functioning, including orientation and mobility training for all environments, communication skills training, visual training, independent living skills training and additional training necessary to activate visual motor activities; and
  - 5) Family training, education and support provided to assist the child's family in understanding the child's needs as related to vision services and to enhancing the child's development.

**Section 500.60 Provider Qualifications and Enrollment**

- a) An individual shall meet the pertinent licensing, degree and/or certification requirements for the service to be provided, as set by the Department. (See Appendix C.)
- b) Qualified individuals must enroll with the Department in order to bill for early intervention services provided to eligible children. (See Appendix C.) The use of non-enrolled credentialled Associate Providers is set out in Appendix D.
- c) Enrolled individuals must meet minimum requirements for continuing professional education as set forth by the Department. (See Appendix C.)
- d) In order to serve Medicaid eligible children, the provider shall enroll with the Department of Public Aid to become a Medicaid provider.

**Section 500.65 Monitoring**

- a) The Department, or its designee, will conduct comprehensive on-site monitoring visits at the regional intake entities. Other visits may occur at any time. Desk reviews may also be performed and families may be interviewed. The regional intake entities shall help the Department in obtaining representative family interviews.
- b) The Department will prepare a written report of its findings that shall be sent to the regional intake entity. The report shall identify issues of non-compliance and may make recommendations about

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- c) other areas of concern.  
The regional intake entity shall send a corrective action plan to the Department within 30 days after receipt of the report, proposing timelines for addressing each compliance issue.
- d) The Department will approve within 14 days the corrective action plan and timelines and may make follow-up visits as necessary to determine progress and compliance.
- e) If the corrective action plan is not acceptable to the Department, it may within 14 days provide a reasonable plan and timelines, and make follow-up visits as necessary to determine progress and compliance.
- f) In addition to any other rights the Department may have under contract with the regional intake entity the Department may suspend the contract, or withhold or suspend payments to the regional intake entity due to noncompliance with this Part and with Part C. Suspensions and holds may be lifted upon completion of, or demonstration of satisfactory progress towards, satisfactory corrective action. If an acceptable corrective action plan is not submitted in the required timeframe or the terms of the corrective action plan are not met by the provider, the Department may terminate the contract. This Section does not preclude the Department from exercising any rights it may have under its contract with the regional intake entity.
- g) The Department may also visit and review records of individual providers within the area to assure compliance with applicable laws, regulations and Service Provider Agreements. Visits may occur at any time.
- h) The monitoring team may also submit written reports to individual providers regarding provider non-compliance and issues of concern.
- i) Providers receiving such reports shall submit a corrective action plan within 30 days proposing timelines for addressing issues of compliance. The Department shall follow subsections (d) and (e) if necessary regarding the provider.
- j) In addition to other rights the Department may have, it may terminate its Service Provider Agreement with a provider due to non-compliance with this Part, and arrange for the provision of services to eligible children by other providers. This Section does not preclude the Department from exercising any rights it may have under the Service Provider Agreement.

**SUBPART C: SERVICE DELIVERY REQUIREMENTS****Section 500.70 Intake**

- a) Upon receiving a referral, regional intake entities shall ensure that evaluation, eligibility determination, assessments in all five developmental domains as set forth in Section 500.75(a)(3), and development of the initial Individualized Family Service plan are completed with the family within 45 calendar days. The 45 day intake

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period can be extended by documented family request. Service coordination, evaluation/assessment, eligibility determination and Individualized Family Service Plan development, review and updating and procedural safeguards shall be provided at no cost to families.

- b) Regional intake entities shall provide service coordination for each family.
- c) The service coordinator shall request appointment of a surrogate parent upon referral and prior to evaluation of a child who would not otherwise have parental representation, as set forth in Section 500.160.
- d) The service coordinator shall provide the family with orientation to the Illinois Early Intervention Services System, shall inform the child's parents of their rights and shall give 10 days written prior notice whenever the Department or service providers propose or refuse to initiate or change the identification, evaluation, or placement of the child or the provision of early intervention services.
- e) Upon receipt of informed consent from the child's parent, the service coordinator shall proceed with initial intake activities that shall include:
  - 1) Establishment of the child's permanent and electronic record with the regional intake entity;
  - 2) Completion of Department required intake forms;
  - 3) Request of existing records regarding the child's need for services; and
  - 4) Review of existing records to identify whether additional information is needed to determine if the child meets federal and State established eligibility criteria.

**Section 500.75 Eligibility Determination**

- a) The service coordinator shall, with informed parental consent:
  - 1) Assist the family in developing an evaluation plan that lists testing activities needed to collect the information and the appropriate available enrolled providers chosen by the family to conduct the tests;
  - 2) Arrange for the evaluation plan to be implemented; and
  - 3) Obtain evaluation reports, including statements of evaluator findings related to the child's eligibility status and the child's functioning level, unique strengths and needs in the developmental areas tested and the services appropriate to meet those needs in all of the following five developmental domains:
    - A) cognitive development;
    - B) physical development, including vision and hearing;
    - C) language, speech and communication development;
    - D) social-emotional development; and
    - E) adaptive self-help skills development.
- b) Providers shall conduct authorized evaluations and provide reports to the service coordinator within at least four business days after the

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- c) After sufficient information has been collected to determine eligibility status, the service coordinator shall ensure that a multidisciplinary team, including the child's parent, service coordinator and members from two or more disciplines, has determined the child's eligibility status by consensus. Consensus may be reached without a team meeting (e.g., by teleconference or mail). Existing records and evaluation reports may be used to assist with the evaluation/assessment process. Evaluations/assessments used in the eligibility determination and/or IFSP development process must have been completed no more than six months prior to the child's eligibility determination and/or IFSP development.
- d) If the multidisciplinary team determines that the child is eligible, the service coordinator shall:
  - 1) Inform the parent in writing that the child was determined eligible; and
  - 2) Assure completion of comprehensive evaluation/assessment activities with the family.
- e) If the multidisciplinary team determines that the child is not eligible, the service coordinator shall inform the parent in writing that the child was determined ineligible and shall close the case as set forth in Section 500.105. Written notice shall be consistent with the requirements of Section 500.165.
- f) With informed parental consent, the service coordinator shall notify the referral source in writing of the status of the referral.

**Section 500.80 Individualized Family Service Plan Development**

- a) The service coordinator shall:
  - 1) Review existing records to identify whether additional information is needed to determine the child's current health status and medical history and, if so, shall request the information upon receipt of informed parental consent.
  - 2) Review existing records and evaluation reports to identify whether additional information is needed to determine the child's functioning levels, unique strengths and needs and the services appropriate to meet those needs in the five developmental domains (cognitive development; physical development, including vision and hearing; communication development; social-emotional development; and adaptive self-help skills) and, if not, shall arrange for additional evaluation/assessment activities using methods described in Section 500.75.
  - 3) Assist the family in determining its resources, priorities and needs related to being able to enhance its child's development and the supports and services appropriate to meet those needs.
  - 4) Assist the family initially, and annually thereafter or more often as required by change of circumstances, in determining its ability to participate in the cost of services that are subject



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to family fees. The inability of a family to participate in the cost of services shall not result in the denial of services to the child or the child's family.

- 5) Collect information regarding any and all public and private insurance under which the child's services may be covered.
- b) The Department shall not pay for services listed on the IFSP that the Department is not required to fund. Early intervention funding is the payor of last resort for IFSP services that the Department is required to fund.
- c) Prior to development of the initial or annual Individualized Family Service Plan, the service coordinator shall:
  - 1) Arrange for a meeting to be held, at a time and place convenient for the family, between the child's parent and other family members by parental request, the service coordinator, a person or persons directly involved in conducting the evaluations/assessments, potential service providers within the EI Service System, and others, such as an advocate or person outside the family by parental request, to develop the Individualized Family Service Plan; and
  - 2) Provide reasonable prior written notice to the family and other participants of this meeting.
- d) If an evaluator/assessor invited to the meeting cannot attend the meeting, the service coordinator shall make arrangements for the person's involvement through other means, including:
  - 1) Participating in a telephone conference call;
  - 2) Having a knowledgeable authorized representative attend the meeting; or
  - 3) Making pertinent records, including reports and recommendations from the evaluators/assessors, available at the meeting.
- e) At the meeting to develop the Individualized Family Service Plan, the service coordinator shall:
  - 1) Facilitate the meeting;
  - 2) Ensure that the meeting is conducted in the parent's native language or mode of communication, unless it is clearly not feasible to do so, or that an interpreter is present to translate what is discussed.
- f) The Individualized Family Service Plan must:
  - 1) Be developed jointly by the family and appropriate qualified personnel involved in the provision of early intervention services.
  - 2) Be based on the multidisciplinary evaluation/assessment of the child and the family evaluation.
  - 3) Include services necessary to enhance the development of the child.
  - 4) Include services necessary to enhance the capacity of the family to meet the developmental needs of the child.
  - 5) State the natural environments in which services shall be appropriately provided and justification of why early

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intervention cannot be achieved satisfactorily in a natural environment if any services are to be provided elsewhere.

- 6) Include all components as required by the Department.
- 7) Provide a statement of the child's present developmental levels in the following areas, based on professionally acceptable objective criteria:
  - A) Physical development, including vision and hearing;
  - B) Cognitive development;
  - C) Language, speech and communication development;
  - D) Social or emotional development; and
  - E) Adaptive self-help skills development.
- 8) Provide a statement of the family's resources, priorities and concerns related to enhancing the development of the child.
- 9) A statement of the major outcomes expected to be achieved for the child and family, and the criteria, procedures and timelines used to determine:
  - A) The degree to which progress toward achieving the outcomes is being made; and
  - B) Whether modifications or revisions of the outcomes or services are necessary.
- 10) A statement of the specific early intervention services necessary to meet the unique needs of the child and family to achieve the outcomes identified in this subsection (f)(10), including:
  - A) The frequency and intensity for each service, meaning the number of times a service will be provided within a given period and the length of time the service will be provided during each session;
  - B) The method of delivering the services, meaning whether the service will be provided on a group or individual basis;
  - C) The location in which early intervention services will be provided, including whether the location would be considered a natural environment for the child and family, as described in subsection (f)(5); and
  - D) The projected beginning dates as soon as possible after the development of the IFSP and the duration or ending dates of the services.
- 11) A statement of any other services, such as medical services, that the child needs but that are not required early intervention services. The statement should include the funding sources to be used in paying for those services or the steps that will be taken to secure those services through public or private sources. Routine medical services such as immunization or well child care do not need to be listed unless the child is not receiving those services and needs them.
- 12) The name of the service coordinator qualified to carry out all applicable responsibilities who will be responsible for implementation of the IFSP and coordination with other agencies and persons.

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13) The steps to be taken to support the transition of the child to preschool services under Part B of IDEA to the extent that those services are considered appropriate or to other services that may be available, if appropriate. The steps include:

- A) Discussions with and training of parents regarding future placements and other matters related to the child's transition at age three years;
- B) Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting; and
- C) With informed parental consent, the transmission of information about the child to the local educational agency to ensure continuity of services, including evaluation information and copies of the IFSP.

g) During and as part of the IFSP development, and any changes thereto, the regional intake entity shall consult Department developed therapy guidelines and Department designated experts, if any, to help determine appropriate services, and frequency and intensity of those services. Services beyond those recommended must be sufficiently justified by the IFSP team in order to be included on the IFSP. (The therapy guidelines shall become effective when finalized by the Department and distributed to the intake entities.) If the IFSP team is developing an initial IFSP and it recommends services different in nature or in frequency and duration than those recommended by the guidelines and experts, it must provide written justification for the services, and request review. Services approved by the guidelines and experts may begin prior to the review of the justification for other requested services. If the other services requested are not approved, the family may request mediation or an impartial administrative resolution regarding the other services. If the team is reviewing an existing IFSP or a change in an IFSP, and the IFSP team recommends services other than those recommended by the guidelines and experts, the IFSP team must provide justification for the other services and request review. If the other services are not approved, the family will be given 10 days written prior notice pursuant to 20 USC 1439(a)(6) that the services as approved by the guidelines and experts will begin on a designated date. The family may request mediation or an impartial administrative resolution regarding the other requested services. If a request for administrative resolution or mediation is made, the child will continue to receive appropriate EI services currently being provided during the pendency of the proceeding, unless the Department and family agree otherwise.

h) The service coordinator shall determine if an Interim Individualized Family Service Plan, as set forth in sections 303.322(e)(2) and 303.345 of Part C of IDEA, is needed to initiate partial services for an eligible child while intake is being completed. An Interim IFSP may be needed if some early intervention services have been determined to be needed immediately for the child or family.

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- i) If an Interim IFSP is needed, the service coordinator shall:
  - 1) Document the reasons an Interim IFSP is needed;
  - 2) Assist the family in determining its ability to participate in the cost of services that are subject to family fees;
  - 3) Complete the Department required IFSP form with the child's parent and with input from the multidisciplinary team members who recommended immediate services for the child and family;
  - 4) Arrange for the Interim IFSP to be implemented;
  - 5) Request service reports at the end of the Interim IFSP period and monitor provision of services; and
  - 6) Maintain the child's permanent and electronic record with the regional intake entity during the Interim IFSP period.
- j) The implementation of an Interim IFSP shall not be used to extend the 45 day intake period. A fee may be assessed for services subject to family fee if the family is assessed as having the ability to participate in the costs of its child's services.

**Section 500.85 Individualized Family Service Plan Implementation**

a) Upon receiving informed written consent from the child's parent to implement the Individualized Family Service Plan, the service coordinator shall:

- 1) Arrange for implementation of the IFSP utilizing available enrolled providers;
  - 2) Provide copies of the IFSP to each person the parent has consented to receive a copy;
  - 3) Request direct service reports and monitor provision of services; and
  - 4) Update and maintain the child's permanent and electronic record with the regional intake entity during the IFSP period.
- b) The parent has the right to accept or decline any or all services without jeopardy to other services under this Part as set forth in Section 500.155(c). Refusals of services or referrals shall be documented in writing.
- c) Providers shall render authorized services as indicated in the IFSP. They shall provide direct service reports to the service coordinator at least every six months and prior to each IFSP update/review or more often if the child's progress/lack of progress warrants.
- d) The Illinois Early Intervention Services System is not responsible for funding early intervention services the parent seeks from providers not enrolled with the system unless an enrolled provider cannot be made available to the family. Services outside the System in such situations must be pre-approved by the Department.

**Section 500.90 Individualized Family Service Plan Updating**

- a) At least every six months, or more frequently if conditions warrant or upon reasonable request of the child's parent or a member of the

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multidisciplinary team, the service coordinator shall review the Individualized Family Service Plan with the child's parent and other appropriate participants. The review may be carried out by a meeting or by other reasonable means (e.g., by teleconference or mail).

- 1) The purpose of the review is to determine:
  - A) The degree to which progress toward achieving the outcomes is being made; and
  - B) Whether modification or revision of the outcomes, services or supports is necessary.
- 2) The service coordinator shall facilitate implementation of any changes agreed upon by the multidisciplinary team, with informed parental consent, and shall update the child's permanent and electronic record.
- b) Providers shall conduct authorized assessments using a Department approved test instrument (see Appendix B) as indicated on the IFSP as an ongoing process throughout the period of the child's eligibility and shall provide assessment reports to the service coordinator prior to IFSP updates/reviews.
- c) At least once a year, the service coordinator shall arrange for an annual IFSP meeting to evaluate and revise the IFSP for the child and the child's family. The results of any current evaluations and ongoing evaluations of the child and family must be used in determining what services are needed and shall be provided. The service coordinator shall facilitate development of the annual IFSP by conducting the activities outlined in Section 500.80.
- d) The service coordinator shall facilitate implementation of the annual IFSP by conducting the activities outlined in Section 500.85.

**Section 500.95 Case Transfer**

When an eligible child moves or is anticipating a move to another intake region within Illinois:

- a) With consent of the parent, the service coordinator at the prior regional intake entity shall transfer a copy of the child's permanent and electronic record to the new regional intake entity, maintaining a copy of the child's permanent record as a closed file.
- b) With consent of the parent, the new regional intake entity shall assist the family in initiating services in the new region. The new service coordinator shall meet with the family as soon as possible (no later than 15 days) to arrange new providers for the services in the child's IFSP if the original providers are not able to continue serving the child and family in the new region.

**Section 500.100 Transition to Part B or Other Appropriate Services at Age Three**

Children receiving services under this Part shall receive a smooth and effective transition to appropriate preschool programs under Part B of IDEA or

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to other appropriate services for 3-5 year olds, by their third birthday. The service coordinator shall make all reasonable efforts to ensure the continuity and coordination of services.

- a) Six months prior to the child's third birthday, the service coordinator shall begin to communicate with the child's local educational agency, appropriate community programs and the family about transition. The service coordinator shall:
  - 1) Request parental consent to make transition referrals;
  - 2) With informed parental consent, inform the child's local educational agency that the child will shortly reach the age of eligibility for preschool services under Part B;
  - 3) Inform the parent in writing of educational rights of students with disabilities under Part B;
  - 4) Complete referral information as requested by the local educational agency (the school district).
- b) The service coordinator shall convene a conference (upon the parent's approval), consisting of at least the family, the local educational agency and the service coordinator, to discuss services for the child. The conference shall also include a review of the child's program options for the period from the child's third birthday through the remainder of the school year. The meeting shall be held at least 90 days before the child is eligible for preschool services. If the child is not eligible for preschool services under Part B, the coordinator shall make reasonable efforts to convene a conference (upon the parent's approval) among the coordinator, the family and providers of other appropriate services.
- c) The service coordinator shall establish a written transition plan based on the conferences and communications described in subsections (a) and (b). The transition plan shall provide for discussion with and training of the family, as well as for the transition of the child.
- d) This plan will document all referrals to other services and all refusals of services by the parents.
- e) The local educational agency has an obligation under the law to participate in transition planning conferences.
- f) On the child's third birthday, the service coordinator shall close the case pursuant to Section 500.105.

**Section 500.105 Case Closure**

- a) When a child exits early intervention services, the service coordinator shall update and close the child's permanent and electronic record with the regional intake entity.
- b) If an eligible child moves to another state:
  - 1) The service coordinator and regional intake entity shall:
    - A) With consent of the parent, refer the child to the Early Intervention program in the new state and transfer a copy of the child's permanent record to the new state;



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- B) Update and close the child's permanent and electronic record with the Illinois regional intake entity; and
- C) Maintain the child's original permanent record as a closed file.
- 2) The Illinois Early Intervention Services System is not responsible for funding services to a child and family who no longer reside in Illinois.
- c) The regional intake entity and providers shall store closed records as set forth in Section 500.110.

## Section 500.110 Recordkeeping

- a) All service providers, service coordinators, and regional intake entities shall collect, compile and maintain appropriate records as required in this Part and as required by pertinent professional standards regarding services provided under this Part.
- b) The early intervention record shall contain at least:
  - 1) Identifying information, including name, Medicaid recipient identification number, address and telephone number, sex, date of birth, primary language or method of communication, emergency contact or parent or parent substitute, date of initial contact and initiation of early intervention services, third party coverage, and source of referral;
  - 2) Documentation of appropriate consents for early intervention services and releases of information;
  - 3) Evaluation reports;
  - 4) A current and any past IFSP, progress notes and reviews, and documentation of the relationship of the services to the IFSP goals and child and family progress;
  - 5) Documentation of known child and family movement (referral/transfer) during any active service period to or from the provider's programs or to or from other providers;
  - 6) Documentation of any refusal of services and/or referrals;
  - 7) Direct service reports to support each early intervention service rendered;
  - 8) Periodic reviews, minimally at six month intervals, describing the child's overall progress; and
  - 9) If closed, a case closure summary documenting the outcome of interventions and, as necessary, the linkages for continued services.
- c) Service providers, service coordinators and regional intake entities shall permit access to records by the Department as the lead agency, by the federal Office of Special Education Programs or its designees, and by its regional intake entity. Each shall obtain consent from clients, upon initiation of services, to allow the release of records to the State and federal entities for the purpose of providing services, paying for services, and monitoring the provision of services.

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- d) The compilation, maintenance, storage of and access to records shall be governed by written policies and procedures that comply with the confidentiality provisions of Sections 500.150 and 500.155.
- e) Facilities for the handling, processing and storage of records, whether hard copy, magnetic tapes, computer files, or other automated systems, shall be secured from unauthorized access, theft, loss, or fire or other natural occurrences.
- f) All entries to records shall be current, legible and dated and the author shall be designated. If hard copy, the author shall sign the entry.
- g) The regional intake entity is responsible for maintaining a complete early intervention record as set forth in subsection (b) for each enrolled child in the intake region.
- h) Each service provider is required to keep documentation adequately supporting early intervention services provided.
- i) All records described in this Section shall be maintained for at least 5 years from the child's discharge from early intervention services, or until any outstanding audit reviews or exceptions are closed to the satisfaction of the Department, or until any active or pending legal action, hearing request, complaint or other administrative or legal proceedings regarding them are resolved, whichever comes later. Destruction of records shall be consistent with pertinent laws.

## Section 500.115 Service Provider Requirements

## Service providers shall:

- a) Not bill families for authorized early intervention services.
- b) Participate in evaluation/assessment activities and the development, review and revision of IFSPs in a timely and comprehensive manner, and provide early intervention services in a family centered, ethical and culturally competent manner. Family members are to be an integral part of service planning, the child's participation in early intervention services, and the outcomes identified in the IFSP.
- c) Provide accurate services as set forth in the IFSP in a timely manner.
- d) Contact the service coordinator to request multidisciplinary team approval for proposed changes in the delivery of services to eligible children and to request parental consent prior to implementing any changes to services listed on the IFSP.
- e) Agree that they shall not bill or receive reimbursement from the Department's centralized billing system for services in excess of what is authorized in the IFSP.
- f) Agree not to terminate services for an eligible child without written notification to the child's service coordinator at least 30 days prior to the anticipated date of service termination.
- g) Meet and maintain all applicable standards and regulations for individual and program licensure, certification and credentialing. Comply with all applicable State and federal laws and regulations for physical facilities in which services are made available.

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- h) Provide evaluation reports and direct service reports to the service coordinator as required by this Part and as necessary to the provision of EI services consistent with federal and State requirements.
- i) Submit invoice of charges for billable services following service delivery, according to Department billing requirements.
- j) Bill private insurance and/or any and all other third party payors before submitting invoices for EI reimbursement.
- k) Allow the Department to recoup money improperly submitted to provider by:
- 1) offset from future reimbursements, or
  - 2) submitting repayment in full or in installments negotiated with the Department.
- l) Participate in routine monitoring and supervision activities as set forth by the Department, including self-assessment, on-site monitoring, data collection and reporting obligations, record reviews, financial audits, complaint investigation, and consumer satisfaction surveys.
- m) Comply with any and all federal and State statutes and regulations, policies, guidelines, directives and procedures, including but not limited to those listed in Section 500.45(c)(13), and others that are applicable to the services being provided.
- n) Provide services and communications to clients in a language or mode of communication understood by the client. If necessary, interpreters may be used.
- o) Be knowledgeable about and inform families of their rights and procedural safeguards, including requirements as set forth in 20 USC 1439 and 34 CFR 303.400 et seq., and comply with those rights and procedural safeguard requirements.
- p) Make himself/herself available as required for administrative hearings, complaint proceedings or legal proceedings involving services under this Part.
- q) Assist as required in maintaining the child's EI record at the regional intake entity.

## SUBPART D: FINANCIAL MATTERS

## Section 500.120 Billing Procedures

- a) Authorized services and devices shall be billed through the Department's centralized billing system.
- b) Individual providers enrolled pursuant to requirements set forth in Section 500.60 may receive payment for authorized services and devices.
- c) Direct services, equipment and supplies shall be reimbursed at a Department established rate.
- d) Services and devices shall be authorized prior to delivery in order to be reimbursable.
- e) EI providers shall bill the Department's centralized billing system as

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payor of last resort for authorized services, equipment and supplies pursuant to requirements set forth in Section 500.115. Bills must be submitted to the Early Intervention Services System in accordance with billing instructions provided to the EI provider by the System.

- f) Providers shall maintain and make available to the System, for a minimum of 5 years, adequate books, records and supporting documents regarding provision of and billing for services and devices, and shall comply with other recordkeeping requirements set forth in Section 500.110.

## Section 500.125 Payor of Last Resort

Early intervention program money provided to the State under Part C may not be used to satisfy a financial commitment for services that would otherwise have been paid for from another public or private source had Part C not been enacted. Part C funds may be used only for services that a child is not otherwise entitled to under any other federal, State, local or private source (including, but not limited to, Medicaid (Title XIX), the State Child Health Insurance Program (Title XXI), and the Division of Specialized Care for Children (Title V) program and private insurance). Nothing contained in the Part shall authorize or require the Department to provide payment for services or devices that would otherwise be paid by Medicaid or any other insurance plan or policy or third party payor).

## Section 500.130 Family Fee/Insurance

- a) A statewide sliding fee schedule shall be established by the Department annually for direct EI services and assistive technology devices set forth in Section 500.55, except for those services that are required to be provided at no cost to families. (See Appendix A.)
- b) Family fees will be billed and collected through the centralized billing system. Families shall not be required to pay more in annual fees than the value of early intervention services and assistive technology devices received during the year.
- c) Parents shall have their private insurance billed for services and devices.
- d) Medicaid recipients shall not be charged an EI fee. Parents of children eligible for Medicaid shall enroll their children with Medicaid so Medicaid funds can be accessed for EI services and devices.
- e) No one shall be denied services based on inability to pay.
- f) Exemptions:
- 1) A family may request exemption from the fee due to documentation of catastrophic circumstances or extraordinary expense, by showing either:
    - A) out-of-pocket medical expense in excess of 15% of gross income; or
    - B) a disaster such as fire, flood, or tornado causing direct

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- out-of-pocket loss in excess of 15% of gross income.
- 2) A family may request exemption from insurance use upon documentation showing a material risk of losing coverage because:
    - A) the insurance plan/policy covering the child is an individually purchased policy/plan purchased by a head of household who is not eligible for group medical insurance; or
    - B) the insurance plan/policy has a lifetime cap that applies to one or more specific types of early intervention services specified in the IFSP that coverage could be exhausted during the period covered by the service plan.
- The exemption will only apply to the early intervention service and/or plan or policy for which there is a showing of material risk of loss of coverage.
- 3) Regional intake entities shall submit requests for exemptions to the Department on the day that they are received, and the Department or its designee shall decide within 10 days whether to grant the exemption and notify the family.
  - g) A parent wishing to contest his/her family fee assessment may request mediation or an administrative resolution under Section 500.145 or 500.140. Such request shall be made as soon as possible but at least within 30 days after notice of the fee assessment.

## SUBPART E: PROCEDURAL SAFEGUARDS/CLIENT RIGHTS

## Section 500.135 Minimum Procedural Safeguards

- a) The following minimal procedural safeguards are required by IDEA, regarding Part C early intervention services:
  - 1) The timely administrative resolution of complaints by parents and the right to bring civil action with respect to the complaint in State or federal court;
  - 2) The right to confidentiality of personally identifiable information, including the right of parents to written notice and written consent to exchange of information among agencies, consistent with federal and State law;
  - 3) The right of the parents to determine whether they, their child or other family members will accept or decline any early intervention service under this Part without jeopardizing other early intervention services under this Part;
  - 4) The opportunity for parents to examine records relating to evaluation, screening, eligibility determination, and the development and implementation of the Individualized Family Service Plan;
  - 5) Procedures to protect the rights of the child when the parents are not known or cannot be found, or the child is a ward of the State, including the assignment of an individual (who is not an employee of a State agency, a family member or an early

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- intervention services provider) to act as a surrogate;
- 6) Written prior notice to the parents of the child when the State agency or service provider proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or placement of the child in, or the provision of, appropriate early intervention services;
- 7) Written prior notice that fully informs the parents in the parents' native language, unless it is not feasible to do so, of all procedures available as set forth in this Section;
- 8) The right of parents to use mediation in accordance with 20 USC 1439(a)(8).
- b) Regional intake entities and other providers of Part C early intervention services shall not violate the procedural safeguards and rights set forth in subsection (a). Furthermore, to the extent that they participate in any activity requiring procedures and rights in subsection (a), they shall comply with those procedures, assure the protection of those rights, and give clients timely and effective notice of those rights.

## Section 500.140 Administrative Resolution of Complaints By Parents

- a) The parents of a child between birth to 36 months or a public agency (as defined at 34 CFR 300.22 (2000)) may request an impartial administrative proceeding to resolve a dispute regarding the evaluation, identification, placement, delivery of services, or provision of appropriate services for their child (or if a public agency, for a child for whom it has responsibility).
- b) A request for an impartial administrative proceeding shall be made in writing to the Department at:

Chief  
Bureau of Administrative Hearings  
Illinois Department of Human Services  
Harris Building  
100 S. Grand Avenue East - 3rd Floor  
Springfield, Illinois 62762

With a copy to the regional intake entity and to:

Chief  
Bureau of Early Intervention  
Illinois Department of Human Services  
623 East Adams - 2nd Floor  
P.O. Box 19429  
Springfield, Illinois 62794-9429

- c) The letter requesting the proceeding shall include:
  - 1) the name, address, and telephone number of the child's parent, of



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the person making the request for the proceeding, if it is someone other than the child's parent, and of the child;

- 2) the name of the child and the child's birthdate;
- 3) a description or the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem;
- 4) authorization for release of the child's early intervention service records to the Department and the hearing officer;
- 5) the remedy being sought or proposed resolution of the controversy to the extent known and available to the parents at the time;
- 6) the primary language spoken by the parents;
- 7) the service delivery agency and/or provider involved in the dispute; and
- 8) evidence supporting the remedy or proposed resolution (i.e., IFSP, Family Resource Inventory, bill payment, etc.).

The letter shall be confidential and only used for purposes of resolution of the dispute and as agreed to by the child's parents.

- d) Upon receipt of request for an impartial proceeding, parties involved in the dispute shall be offered the option of mediation as set forth in Section 500.145.

- e) During the pendency of any proceeding involving a complaint, unless the parent and the Department agree otherwise, the child must continue to receive the appropriate Part C EI services currently being provided. If the complaint involves application for initial Part C services, the child must receive those services that are not in dispute.

- f) The parent shall be informed of free or low cost legal and other related services available in the area if the parent requests that information or the parent or agency initiates a resolution under this Section. Regional intake entities shall maintain that information and make it available upon request or if a proceeding is initiated under this Section.

- g) Upon written request for an impartial proceeding, the Department shall appoint an impartial hearing officer. The Department shall maintain a list of hearing officers. An impartial hearing officer must:

- 1) be licensed to practice law in Illinois;
  - 2) have knowledge about the provisions of IDEA Part C and the Illinois Early Intervention Services System Act, the needs of eligible children and their families, and services available to them under those statutes;
  - 3) not be an employee of the Department or a State educational agency, LEA or private service provider involved in the provision of early intervention services or care of the child;
  - 4) not have a personal or professional interest that would conflict with his/her objectivity in implementing the process.
- h) Complaints under this Part shall be submitted to the Department as soon as possible, but at least within three months after the complaint's knowledge of the disputed activity.

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- i) Organizations and/or providers and/or individuals with whom the complainant has a dispute shall be parties to the proceeding as deemed necessary by the impartial hearing officer in order to resolve the dispute.
- j) Within five days after receiving written notification from the Department of Human Services, the appointed hearing officer shall contact the parties to determine a time and place reasonably convenient to the parties for a hearing and any pre-hearing conferences. The hearing officer shall provide the parties at least ten days' written notice of the dates, times, and locations of any pre-hearing conferences and of the hearing.

- k) The hearing officer may conduct a pre-hearing conference either in person or by telephone in order to narrow the issues, determine stipulations by the parties, exchange evidence and names of witnesses, and consider other matters that may aid in efficient disposition of the case. At the conclusion of the pre-hearing conference, the hearing officer will prepare a written report of the conference to be entered into the hearing record memorializing the discussion, any stipulations, and scheduling accommodations made for parties or witnesses.

- l) Any party to a hearing has a right to:

- 1) be accompanied (at the party's expense) and advised by counsel and by individuals with special knowledge or training with respect to children with disabilities;
  - 2) present evidence and confront, cross-examine, and compel the attendance of witnesses;
  - 3) prohibit the introduction of any evidence at the proceeding that has not been disclosed to that party at least five days before the proceedings; and
  - 4) obtain a written or electronic verbatim record of the hearing.
- m) Parents involved in hearings must be given the right to:
    - 1) obtain written findings of fact and decision within 45 days after receipt of the request for impartial resolution;
    - 2) have the child who is the subject of the hearing present; and
    - 3) open the hearing to the public (hearings shall be closed to the public unless the parent requests them to be open).
  - n) As soon as possible, but at least five business days prior to the hearing, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on those evaluations that the party intends to use at the hearing, as well as other evidence to be offered at hearing and other relevant documentation.
    - o) The regional intake entity shall disclose the complete record of the child to the Department within five business days after receipt of the letter requesting a proceeding under this Section.
    - p) The hearing officer may bar any party failing to comply with subsection (n) from introducing evidence at hearing that was not produced as required in subsection (n).

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- q) The hearing officer is authorized to conduct the hearing, administer oaths, issue subpoenas to compel testimony or production of documents, rule on motions, grant continuances, call or examine witnesses, and take such other action as may be necessary to provide the parties with an opportunity to be heard fairly and expeditiously.
- r) Upon completion of the submission of evidence and testimony, parties shall be given a reasonable period of time to present written or oral arguments to complete the process within 45 days.
- s) The hearing officer shall maintain and prepare a record of the proceeding and shall prepare written findings and a decision that shall be served upon the parties. The record shall contain the letter requesting the proceeding, evidence submitted at the hearing, a transcript or recording of the hearing, prehearing conference reports, motions, orders and all other material that is part of the record.
- t) Any and all written findings and decisions shall be transmitted to the Illinois Interagency Council on Early Intervention and be made available to the public without personally identifying information.
- u) Either party may request a delay in convening the hearing and/or the pre-hearing conference for good cause. The party requesting the delay shall do so in writing to the hearing officer, with a copy served at the same time to all parties. The requesting party shall set forth the reasons for the request and the hearing officer shall, upon receiving the request, either grant or deny the request. The hearing officer shall contact the Department of Human Services with the date and place of the hearing and pre-hearing conference.
- v) Any party aggrieved by the findings and decision made in the hearing has a right to bring civil action in a State court of competent jurisdiction or in a district court of the United States regardless of the amount in controversy.

## Section 500.145 Mediation

## a) Parties/Purpose

- 1) Any party having a dispute involving the identification, evaluation, or placement of a child for early intervention services, or the provision of early intervention services, may request mediation regardless of whether a request for an impartial administrative proceeding has been or will be made. The mediation request may occur prior to or simultaneously with a request for an administrative proceeding and is open to any and all parties (public agencies, private agencies, parents) having standing in the disputes.
- 2) The purpose of a mediation process is to provide an alternative to the impartial administrative resolution as a way to resolve disagreements between parents and early intervention services personnel. In virtually all cases, it is less costly and less adversarial than an administrative proceeding. Neither party is asked to abandon its beliefs about the child's ability. Rather,

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the parties are asked to consider alternatives that could be incorporated into the child's Individualized Family Service Plan and to be aware of the concerns and problems expressed by the other party.

- b) Requests for mediation must be made in writing to:

Chief  
Bureau of Administrative Hearings  
Department of Human Services  
100 S. Grand Ave. East - 3rd Floor  
Harris Building  
Springfield, Illinois 62762

with a copy sent to:

Chief  
Bureau of Early Intervention  
623 East Adams - 2nd Floor  
P.O. Box 19429  
Springfield, Illinois 62794-9429

- c) The written request shall include the name and address of the child and of the person requesting mediation, a description of the nature of the problem of the child, including the facts related to the problem, a proposed resolution to the problem, supporting relevant documentation of the facts, and the name and address of service providers.
- d) If a request for administrative resolution is made, mediation will be offered. Mediation may not be used to delay or deny the right to an administrative resolution or other rights under Part C.
- e) The mediation will be conducted by a qualified and impartial mediator who is trained in effective mediation techniques and who is knowledgeable in laws and regulations relating to early intervention services under Part C. A mediator may not be an employee of an agency providing services to the child at issue nor of the Department, nor have a personal or professional conflict of interest.
- f) The mediation is offered at no cost to the parties. It must be voluntary by all parties.
- g) The mediator shall assure that a mediation conference is convened and concluded in a timely fashion and in no event later than the administrative resolution of a complaint under Section 500.140 if one was requested.
- h) The mediator will contact the parties to set a mutually convenient date, time and location for the mediation conference, to answer any questions the parties may have regarding the process, and to request additional information from the parties.
- i) The role of the mediator is that of a neutral facilitator assisting parents and early intervention personnel to resolve their

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disagreement. Although the mediator is in control of the session, he/she is not the decision maker and may not compel action by either party. The mediator allows the parties to present their positions, establishes an understanding of the disagreement, determines points of agreement, and offers suggestions/proposals for resolution, attempting to help the parties achieve a mutual solution that is in the best interests of the child. The mediator facilitates the process. He or she summarizes positions and may help the parties consider possible alternatives.

j) If agreement is reached by the parties, it shall be set forth in a written mediation agreement signed by authorized representatives of the parties to the dispute. No record is kept of the discussions at the meeting. The mediation agreement will record only the date of the mediation, the parties to the mediation and terms agreed upon.

k) Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent administrative hearing or civil proceeding. The parties will be asked to sign a confidentiality pledge prior to the commencement of the mediation. Only the fact that mediation occurred and the terms of any mediation agreement reached are admissible in subsequent proceedings.

l) Participants in the mediation conference should be limited to those necessary to resolution of the dispute and shall include persons authorized to act on behalf of the parties. In determining participants, the parties and mediator should be guided by desire to achieve mutual non-adversarial problem solving with the child's interests and the interests of the EI Services System as the goal.

m) The parties are expected to approach the mediation session in good faith and with the intention of attempting to reach an agreement. It is important that all parties approach the session with a willingness to listen and to consider all aspects of the issues in the interests of the child and of the EI Services System. They are active participants in the session and, if agreement is reached, develop the terms of the agreement with the assistance of the mediator.

n) The mediation allows an uninterrupted opportunity for both parties to present their views in a non-adversarial setting. It allows parents and early intervention program personnel to focus on their common concerns, rather than their differences. Even if an agreement is not reached, there is the potential of both parties leaving the session with an enhanced perspective of the issues, and with a more positive working relationship.

o) Regional intake entities, service coordinators and other participants in the EI Services System shall encourage resolution of disputes by mediation.

## Section 500.150 Confidentiality/Privacy

a) As used in this Section:

1) "Destruction" means physical destruction or removal of personal

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identifiers from information so that the information is no longer personally identifiable.

2) "Records" means the type of records covered under the definition of education records in 34 CFR 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974).

3) "Participating agency" means any local service provider, service coordinator and regional intake entity that collects, maintains, or uses personally identifiable information, or from which information is obtained, under this Part.

b) Access rights:

1) Each participating agency shall permit parents to inspect and review any records relating to their children that are collected, maintained, or used by the agency under this Part (including records relating to evaluations/assessments, eligibility determinations, development and implementation of IFSPs, individual complaints dealing with the eligible child, and any other area under this Part involving records about the child and the child's family). The agency shall comply with a request without unnecessary delay and before any meeting regarding an IFSP or any hearing relating to the identification, evaluation, or placement of the child, or the provision of early intervention services to the child, and in no case more than 45 days after the request has been made.

2) The right to inspect and review records under this Section includes:

A) The right to a response from the local service provider to reasonable requests for explanations and interpretations of the records;

B) The right to request copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and

C) The right to have a representative of the parent inspect and review the records.

3) A participating agency may presume that the parent has authority to inspect and review records relating to his or her child unless the agency has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.

c) Record of access

Each participating agency shall keep a record of parties obtaining access to records collected, maintained, or used under this Part (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

d) Records on more than one child

If any record includes information on more than one child, the parents



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of those children shall have the right to inspect and review only the information relating to their child or to be informed of that specific information.

- e) List of types and locations of information  
Each participating agency shall provide parents on request a list of the types and locations of records collected, maintained, or used by the agency.

## f) Fees

- 1) Each participating agency may charge a fee for copies of records that are made for parents under this Part if the fee does not effectively prevent the parents from exercising their right to inspect and review those records.

- 2) A participating agency may not charge a fee to search for or to retrieve information under this Part.

## g) Amendment of records at parent's request

- 1) A parent who believes that information in the records collected, maintained, or used under this Part is inaccurate or misleading or violates the privacy or other rights of the child may request the participating agency that maintains the information to amend the information.

- 2) The agency shall decide whether to amend the information in accordance with the request within a reasonable period of time after receipt of the request.

- 3) If the agency decides to refuse to amend the information in accordance with the request, it shall inform the parent of the refusal, and advise the parent of his or her right to a hearing as set forth in subsection (h).

## h) Hearing regarding records

- 1) A participating agency shall give the parent an opportunity for a hearing to challenge the content of the agency's records on the grounds that the information in the records is inaccurate, misleading or in violation of privacy rights of the child.

- 2) The participating agency that generated the record at issue shall hold a hearing within a reasonable time after it has received a hearing request.

- 3) The participating agency shall give the parent notice of the date, time and place reasonably in advance of the hearing.

- 4) The hearing may be conducted by an individual, including an official of the participating agency, who does not have a direct interest in the outcome of the hearing.

- 5) The participating agency shall give the parent a full and fair opportunity to present evidence relevant to the grounds of challenge to the records.

- 6) The parent may at his/her own expense be assisted or represented by one or more individuals of choice, including an attorney.

- 7) The participating agency shall make its decision within a reasonable time after the hearing. The decision shall be based solely on the evidence presented at the hearing and shall include

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a summary of the evidence and reason for the decision.

- 8) If the decision of the agency is that the information challenged is inaccurate, misleading or in violation of the child's privacy rights, the participating agency shall:

- A) amend the record accordingly; and  
B) inform the parent of the amendment in writing.

- 9) If the decision is that the challenged information is not inaccurate, misleading or in violation of privacy rights, the participating agency shall inform the parent of the right to place a statement in the record commenting on the contested information and stating why he or she disagrees with the decision.

- 10) If a statement is placed in the record pursuant to subsection (h)(9), the participating agency shall:

- A) maintain the statement with the contested part of the record for as long as the record is maintained;

- B) disclose the statement whenever it discloses the contested part of the record; and

- C) at the parent's written request, disclose the statement to individuals to whom the contested part of the record was previously sent.

## i) Safeguards:

- 1) Each participating agency shall protect the confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages.

- 2) Each agency shall require one official to assume responsibility for ensuring the confidentiality of the information.

- 3) All persons collecting or using the information shall be trained regarding confidentiality requirements.

- 4) Each participating agency shall maintain, for public inspection, a current listing of those employees having access to the information.

## Section 500.155 Right to Consent

## a) As used in this Subpart:

- 1) "Consent" means that:

- A) The parent has been fully informed of all information relevant to the activity for which consent is sought, in the parent's native language or other mode of communication;

- B) The parent understands and agrees in writing to the carrying out of the activity for which consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and

- C) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time;

- 2) "Native language", where used with reference to persons of

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limited English proficiency, means the language or mode of communication normally used by the parent of a child eligible under this Part;

3) "personally identifiable" means that information includes:

- A) The name of the child, the child's parent, or other family member;
- B) The address of the child;
- C) A personal identifier, such as the child's or parent's social security number; or
- D) A list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

## b) Parental consent

1) Written parental consent must be obtained before:

- A) Conducting the initial evaluation/assessment of a child; and
  - B) Initiating the provision of early intervention services.
- 2) If consent is not given, the regional intake entity, the local provider or other participating agency shall make reasonable efforts to ensure that the parent:

- A) Is fully aware of the nature of the evaluation/assessment or the services that would be available; and
- B) Understands that the child will not be able to receive the evaluation/assessment or services unless consent is given.

## c) Right to decline services

The parents of a child eligible under this Part may determine whether they, their child, or other family members will accept or decline any early intervention services under this Part in accordance with State law, and may decline a service after first accepting it, without jeopardizing other early intervention services under this Part.

## d) Right to written consent regarding exchange of information.

- 1) Each regional intake entity, local service provider and participating agency shall obtain consent in writing from parents before they collect, maintain or use records as defined in Section 500.150 regarding eligible children.

2) Each agency shall use the records only for the purpose for which they are collected or maintained.

- 3) Each agency shall maintain the records in a confidential, secure manner, allowing access only as required to serve the eligible child as consented to by the parent, and access as described in Section 500.150.

4) The exchange of records and any personally identifiable information collected, used, or maintained under this Part is precluded without written notice of and written consent to the exchange of information among agencies consistent with federal and State law, or as otherwise allowed by that law.

- 5) Each agency shall have procedures in writing to ensure compliance with this Section.

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## Section 500.160 Surrogate Parents

a) The service coordinator shall request ISBE to assign an individual to act as surrogate parent of a child who would not otherwise have parental representation, including:

- 1) Each child under the legal responsibility of the State, meaning that the child is a ward of the Court or a State agency has been designated by the Court as the child's legal guardian or legal custodian with the right to consent for major medical treatment; and

2) Each child for whom no parents can be identified or whose parents' whereabouts cannot be discovered after reasonable efforts.

b) A foster parent may be appointed as a surrogate if he/she meets the requirements of subsection (d). A foster parent may also act as a parent if:

- 1) the natural parents' authority to make parental decisions required for early intervention services have been extinguished under State law; and
- 2) the foster parent has an ongoing, long term parental relationship with the child; is willing to make decisions required of parents in this Part; and has no interest that would conflict with the interests of the child.

c) Surrogates shall be requested through the Illinois State Board of Education.

d) Surrogates may be selected in any way permitted by State law, but shall:

- 1) Have no interest that conflicts with the interests of the child he or she represents;
- 2) Have knowledge and skills that ensure adequate representation of the child; and
- 3) Not be an employee of any State agency or a person or an employee of a person providing early intervention services to the child or to any family member. A person who otherwise qualifies to be a surrogate parent under this Section is not an employee solely because he or she is paid by a public agency to serve as a surrogate parent.

e) A surrogate parent may represent the child in all matters related to:

- 1) The evaluation/assessment of the child;
  - 2) Development and implementation of the child's Individualized Family Service Plan, including annual evaluations and periodic reviews;
  - 3) The ongoing provision of early intervention services to the child; and
  - 4) Any other rights established under this Part.
- f) The assignment of a surrogate parent at no times supersedes, terminates or suspends the parent's or guardian's legal authority relative to the child.

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## Section 500.165 Written Prior Notice

- a) General
- Written prior notice must be given to the parents of a child eligible under this Part a reasonable time before a participating agency proposes, or refuses, to initiate or change the identification, evaluation, or placement of the child, or the provision of appropriate early intervention services to the child and the child's family.
- b) Content of Notice
- The notice must be in sufficient detail to inform the parents about:
- 1) The action that is being proposed or refused;
  - 2) The reasons for taking the action;
  - 3) All procedural safeguards that are available under this Part; and
  - 4) The State complaint procedure under Section 500.170, including a description of how to file a complaint and the timelines under those procedures.

## c) Native language

- 1) The notice must be written in language understandable to the general public and provided in the native language of the parents, unless it is clearly not feasible to do so.
- 2) If the native language or other mode of communication of the parent is not a written language, the public agency, or designated service provider, shall take steps to ensure that:
  - A) the notice is translated orally or by other means to the parent in the parent's native language or other mode of communication;
  - B) the parent understands the notice; and
  - C) there is written evidence that the requirements of this subsection (c)(2) have been met.
- 3) If a parent is deaf or blind, or has no written language, the mode of communication must be that normally used by the parent (such as sign language, Braille, oral communication or other mode of communication as determined through consultation with the parent).

## Section 500.170 State Complaint Procedure

- a) Individuals or organizations may file written, signed complaints with the Department of Human Services stating that a State agency, regional intake entity or provider is violating a law or rule regarding the Part C early intervention program. The statement must contain the facts that support the complaint. The alleged violation must have occurred not more than one year before the date the complaint is received by the Department, unless a longer period is reasonable because:
- 1) The alleged violation continues for that child or other children; or
  - 2) The complainant is requesting reimbursement or corrective action

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for a violation that occurred not more than three years before the complaint is received.

- b) The Department shall have 60 calendar days from receipt of the complaint to investigate and issue a written decision to the complainant and interested parties, addressing each allegation in the complaint. During this time, the Department may carry out an independent on-site investigation if deemed necessary and must give the complainant an opportunity to submit additional information, either orally or in writing, about the allegations made in the complaint. Complaints must be submitted in writing to:

Chief  
Bureau of Early Intervention  
Department of Human Services  
623 East Adams - 2nd Floor  
P.O. Box 19429  
Springfield, Illinois 62794-9429

- c) After reviewing all relevant information, the Department must issue a written decision to the complainant and the subject of the complaint as to whether the public agency is violating a requirement of Part C, addressing each allegation in the complaint and containing findings of fact as well as conclusions, the reasons for the final decision, and, if the complaint was found to be valid, corrective actions required to correct the causes of the complaint.
- d) Final decisions are enforceable and binding. They may be amended only upon agreement in writing between the Department and the organization or individual upon whom corrective actions are imposed.
- e) Organizations or individuals upon whom corrective actions are imposed may request reasonable technical assistance or alternative corrective actions. However, these requests do not change the final decision unless it is amended in writing between the Department and the party.
- f) The 60 day time period in subsection (b) may be extended if exceptional circumstances exist with respect to a particular complaint.
- g) The lead agency shall monitor implementation of the final decision to determine that corrective actions and timelines have been met.
- h) Organizations or individuals upon whom corrective actions are imposed may be terminated from participation in Part C programs if corrective actions are not met.
- i) If an issue raised in a written complaint (or any part of a complaint) is also the subject of an administrative resolution under Section 500.140, the Department must set aside any part that is being addressed under the procedure in Section 500.140 but resolve any other issues within the 60 day timeline.
- j) If an issue is raised in a written complaint that has already been decided in a proceeding under Section 500.140, the previous decision is binding and the complainant must be so informed.



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- k) A complaint alleging failure of a public agency or private service provider to implement a decision under Section 500.140 must be resolved by the Department.

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## Section 500.APPENDIX A Sliding Fee Schedule

\$0/ Month	\$10/ Month	\$20/ Month	\$30/ Month	\$50/ Month	\$70/ Month	\$100/ Month	\$150/ Month	\$200/ Month
0-185% FPL	186- 200% FPL	201- 250% FPL	251- 300% FPL	301- 350% FPL	351- 400% FPL	401- 500% FPL	501- 600% FPL	above 600% FPL

Fee table is based on the Federal Poverty Level Guidelines as reported in the Federal Register.

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## Section 500.APPENDIX B Assessment Instruments

## DEVELOPMENTAL AREA/TEST NAME

## DISCIPLINES

## Cognitive

Cattell Infant Intelligence Scale  
 Clinical Adaptive Test (CAT/CLAMS)  
 Bayley Scales of Infant Development (BSID)  
 -Mental  
 Hawaii Early Learning Profile (HELP)  
 Sensorimotor Profile (Hunt Ordinal Scales of Psychological Development)  
 Uzgiris-Hunt: Dunst Revision

## Motor

Alberta Infant Motor Scale  
 Bayley Scales of Infant Development (BSID)  
 -Motor  
 Erhardt Developmental Test of Prehension  
 Hawaii Early Learning Profile (HELP)  
 Gross Motor Functional Measures  
 Milani-Comparetti  
 Peabody Developmental/Motor Test  
 TIME: Miller

## Communication

Callier-Azusa Scale  
 Clinical Linguistic and Auditory Milestone Scale (CLAMS)  
 Scales (CSBS)  
 Goldman-Fristoe Test of Articulation  
 Hawaii Early Learning Profile (HELP)  
 McCarthy Communicative Development Inventory  
 Non-Speech Test  
 Preschool Language Scale (PLS) - Revised  
 Receptive Expressive Emergent Language Scale (REEL)  
 Reynell Developmental Language Scales - American Version  
 Rosetti Infant Toddler Language Scale  
 Sequenced Inventory of Communication Development (SICD)

A professional with training and credentials and meeting the requirements specified by the particular test instrument.

A professional with training and credentials and meeting the requirements specified by the particular test instrument.

A professional with training and credentials and meeting the requirements specified by the particular test instrument.

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## Social/Emotional

Achenbach Child Behavior Checklist  
 Early Coping Inventory  
 Functional Emotional Assessment Scales (FEAS)  
 Functional Independence Measures (WEE FIMS)  
 Hawaii Early Learning Profile (HELP)  
 Vineland Adaptive Behavior Scales (VABS)

## Adaptive

Early Coping Inventory  
 Functional Emotional Assessment Scales (FEAS)  
 Hawaii Early Learning Profile (HELP)  
 Pediatric Evaluation of Disability Inventory (PEDI)  
 Test of Sensory Functioning in Infants  
 Vineland Adaptive Behavior Scales (VABS)

## Global

Assessment Evaluation and Programming System (AEPS)  
 Alpern-Boll Developmental Profile II  
 Battelle Developmental Inventory  
 Child Development Inventory (CDI)  
 Infant Development Inventory (IDI)  
 Hawaii Early Learning Profile (HELP)  
 Infant-Toddler Developmental Assessment (IDA)  
 Mullen Scales of Early Learning (MSEL)  
 Reynell-Zinkin Scales: Developmental Scales  
 For Young Handicapped Children  
 Transdisciplinary Play Based Assessment (TPBA) (Toni Linder)

## Hearing

Visual Reinforcement Audiometry (VRA)  
 Play Audiometry

## Vision

A professional with training and credentials and meeting the requirements specified by the particular test instrument.

A professional with training and credentials and meeting the requirements specified by the particular test instrument.

A professional with training and credentials and meeting the requirements specified by the particular test instrument.

A professional with training and credentials and meeting the requirements specified by the particular test instrument.

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## Erhardt Developmental Test of Vision

A professional with training and credentials and meeting the requirements specified by the particular test instrument.

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# Section 500 .APPENDIX C Requirements for Professional and Associate Level Part C Early Intervention (EI) Credentialing, Continuing Education and Enrollment to Bill

## PART C EI SERVICE

## QUALIFIED STAFF

## Assistive Technology

Durable medical equipment and supplies; providers may enroll to bill. No credential required.

## Audiology, Aural Rehabilitation/Other Related Services

Audiologists with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Audiologist pending credential and enroll to bill. Additional training is required within 15 months for full credential status and continued enrollment.\* (Provider is automatically enrolled under assistive technology and aural rehabilitation categories.)

Speech/Language Pathologists with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Speech/Language Pathologist pending credential and enroll to bill for aural rehabilitation services. Additional training is required within 15 months for full credential status and continued enrollment.\* (Provider is automatically enrolled under aural rehabilitation category.)

Unlicensed individuals employed by school districts as School Speech/Language Therapists who will only be providing services through their school employment may apply for an Early Intervention Specialist: School Speech/Language Therapist pending credential and enroll to bill for aural rehabilitation services. Additional training is required within 15 months for full credential status and continued enrollment.\* (Provider is automatically enrolled under aural rehabilitation category.)

Individuals with a current Special Education for Deaf and Hard of Hearing teaching certificate may apply for an EI Specialist: Developmental Therapist/Hearing pending credential and enroll to bill for aural rehabilitation services. Additional training is required within 15 months for full



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credential status and continued enrollment.\* May also provide Developmental Therapy Services. (Provider is automatically enrolled under aural rehabilitation category.)

## Developmental Therapy

Individuals with (1) minimum of Teacher Endorsement in Early Childhood Education (ECE) or Special Education or Bachelor's Degree in ECE, Early Childhood Special Education, Special Education, or a human service field with one year of experience working hands on with children birth to 3 with developmental disabilities (Persons with a degree in a human service field must submit proof of training on the use of a formal assessment tool that would allow the provider to perform global evaluations/assessments.); or (2) a current license in art, music, recreation, or other type of therapy, rehabilitative or habilitative in nature, in the state where they provide services to Illinois children, may apply for an EI Specialist: Developmental Therapist pending credential and enroll to bill. Additional training is required within 15 months for full credential status and continued enrollment.\*

Individuals with a current Special Education for Deaf and Hard of Hearing teaching certificate may apply for an EI Specialist: Developmental Therapist/Hearing pending credential and enroll to bill. Additional training is required within 15 months for full credential status and continued enrollment.\* They may also provide aural rehabilitation services based on their qualifications and experience. (Provider is automatically enrolled under aural rehabilitation category.)

Individuals with (1) a Bachelor's degree or higher in Orientation and Mobility or (2) a current Special Education for Blind and Partially Seeing teaching certificate may apply for an EI Specialist: Developmental Therapist/Vision pending credential and enroll to bill. Additional training is required within 15 months for full credential status and continued enrollment.\* They may provide Developmental and/or Vision Therapy services related to visual functioning based on their qualifications and experience. (Provider is

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automatically enrolled under the vision category.)

Individuals with an Associate's Degree in early childhood education or child development may apply for an EI Associate: Developmental Therapy Assistant pending credential. Associate services are billed under the enrolled supervisor's name. Additional training is required within 15 months for full associate credential status.\*

## Family Training and Support

Individuals with a high school diploma or equivalent who are the parent or guardian of a child with special needs and are employed by an entity such as an agency or hospital that provides early intervention services as a Parent Liaison may apply for an EI Parent Liaison pending credential and enroll to bill. Completion of Parent Liaison Training is required within 15 months for full credential status and continued enrollment.

Individuals who are bilingual may enroll to bill as an interpreter. Interpreters are not required to obtain a credential.

Deaf adults who have been certified by Hearing and Vision Connections as a language mentor for the deaf may enroll to bill. Language mentors are not required to obtain a credential.

## Health Consultation

Physicians with a current license in the state where they provide services to Illinois children may enroll to bill. Physicians are not required to obtain a credential.

Medical Services  
(Diagnostic/Evaluation  
Purposes Only)

Physicians with a current license in the state where they provide services to Illinois children may enroll to bill. Physicians are not required to obtain a credential.

Individuals on the physician's service team should refer to the service area appropriate to their discipline for credentialing requirements.

## Nursing

Registered Nurses with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Registered Nurse pending credential and enroll to bill. Additional training is required within 15

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months for full credential status and continued enrollment.\* (Provider is automatically enrolled under nutrition category.)

**Nutrition**

Registered Dietitians with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Registered Dietitian pending credential and enroll to bill. Additional training is required within 15 months for full credential status and continued enrollment.\*

Registered Nutrition Counselors with a current license in the state where they provide EI services to Illinois children may apply for an EI Specialist: Licensed Registered Nutrition Counselor pending credential and enroll to bill. Additional training is required within 15 months for full credential status and continued enrollment.\*

Registered Nurses with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Registered Nurse pending credential and enroll to bill. Additional training is required within 15 months for full credential status and continued enrollment.\*

**Occupational Therapy**

Occupational Therapists with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Occupational Therapist pending credential and enroll to bill. Additional training is required within 15 months for full credential status and continued enrollment.\*

Certified Occupational Therapy Assistants with a current license or Occupational Therapists with a temporary license in the state where they provide services to Illinois children may apply for an EI Associate: Licensed Certified Occupational Therapy Assistant pending credential. Associate services are billed under the enrolled supervisor's name. Additional training is required within 15 months for full associate credential status.\*

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**Physical Therapy**

Physical Therapists with a current license in the state where they provide Part C EI services to Illinois children may apply for an EI Specialist: Licensed Physical Therapist pending credential and enroll to bill. Additional training is required within 15 months for full credential status and continued enrollment.\*

Physical Therapy Assistants with a current license or Physical Therapists with a temporary license in the state where they provide services to Illinois children may apply for an EI Associate: Licensed Physical Therapy Assistant pending credential. Associate services are billed under the enrolled supervisor's name. Additional training is required within 15 months for full associate credential status.\*

**Psychological and**

Other Counseling Services  
Clinical Psychologists with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Clinical Psychologist pending credential and enroll to bill. Additional training is required within 15 months for full credential status and continued enrollment.\*

Clinical Professional Counselors with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Clinical Professional Counselor pending credential and enroll to bill. Additional training is required within 15 months for full credential status and continued enrollment.\*

Marriage and Family Therapists with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Marriage and Family Therapist pending credential and enroll to bill. Additional training is required within 15 months for full credential status and continued enrollment.\*

Clinical Social Workers with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Clinical Social Worker pending credential and enroll to bill. Additional training is required within 15 months for full credential status and

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continued enrollment.\*

Unlicensed individuals employed by school districts as School Psychologists who will only be providing services through their school employment may apply for an EI Specialist: School Psychologist pending credential. Additional training is required within 15 months for full credential status and continued enrollment.\*

Graduate students in psychology who submit a letter from the graduate school verifying that they are providing psychological services in a supervised internship setting in order to complete a comprehensive, culminating training experience prior to granting of a graduate degree in psychology may apply for an EI Associate: Psychology Intern pending credential. Associate services are billed under the enrolled supervisor's name. Additional training is required within 15 months for full associate credential status.\*

## Service Coordination

Individuals with: (1) an EI Specialist credential of any type, (2) a Bachelor's Degree or higher in a human services, behavioral science, social science or health related field, (3) a current license as a Registered Nurse, (4) current employment as a service coordinator in a Family Case Management Agency, or (5) an Associate's Degree in a human services, education, behavioral science, social science or health related field plus 2 years of experience working with children birth to 5 to provide intervention services or service coordination in a community agency serving children and families, may apply for an EI Service Coordinator pending credential and enroll as an employee of a Child and Family Connections office. Completion of EI Service Coordination Training is required within 15 months for full credential status and continued enrollment.

## Social Work and Other Counseling Services

Clinical Social Workers with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Clinical Social Worker pending credential and enroll to bill. Additional training is required within 15 months for full credential status and continued enrollment.\*

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Social Workers with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Social Worker pending credential and enroll to bill. Additional training is required within 15 months for full credential status and continued enrollment.\* Licensed Social Workers may not engage in the practice of clinical social work, social casework or social group work in private practice or as a participant in a private group practice without a clinical social work license (see 225 ILCS 20/10.2).

Professional Counselors with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Professional Counselor pending credential and enroll to bill. Additional training is required within 15 months for full credential status and continued enrollment.\* In private practice, a Licensed Professional Counselor must practice at all times under the order, control, and full professional responsibility of a Licensed Clinical Professional Counselor, a Licensed Clinical Social Worker or a Licensed Clinical Psychologist as defined in Section 1-121 of the Mental Health and Developmental Disabilities Code (see 225 ILCS 107/20).

Registered Nurses/Advanced Practice Nurses who are Master's prepared psychiatric-mental health Clinical Nurse Specialists with a current license in the state where they provide services may apply for an EI Specialist: Licensed Registered Nurse/Advanced Practice Nurse credential and enroll to bill. Additional training is required within 15 months for full credential status and continued enrollment.\* The Advanced Practice Nurse must provide a collaborative agreement with a collaborating physician who provides services to children birth to 3. The written collaborative agreement shall describe the working relationship of the Advanced Practice Nurse with the collaborating physician and shall authorize the categories of care, treatment, or procedures to be performed by the Advanced Practice Nurse, including early intervention services to be provided.



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Unlicensed individuals employed by school districts as School Social Workers who will only be providing services through their school employment may apply for an EI Specialist: School Social Worker pending credential and enroll to bill. Additional training is required within 15 months for full credential status and continued enrollment.\*

Graduate students in social work who submit a letter from their graduate school verifying that they are providing social work services in a supervised internship setting in order to complete a comprehensive, culminating training experience prior to granting of a graduate degree in social work may apply for an EI Associate: Social Work Intern pending credential. Associate services are billed under the enrolled supervisor's name. Additional training is required within 15 months for full associate credential status.\*

## Speech Therapy

Speech/Language Pathologists with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Speech/Language Pathologist pending credential and enroll to bill. Additional training is required within 15 months for full credential status and continued enrollment.\*

Unlicensed individuals employed by school districts as School Speech/Language Therapists who will only be providing services through their school employment may apply for an EI Specialist: School Speech/Language Therapist pending credential and enroll to bill. Additional training is required within 15 months for full credential status and continued enrollment.\*

Unlicensed individuals with a Bachelor's Degree or higher in Speech/Language Pathology may apply for an EI Associate: Speech/Language Therapy Assistant pending credential. Associate services are billed under the enrolled supervisor's name. Additional training is required within 15 months for full associate credential status.\*

## Transportation

Individuals with an appropriate vehicle registration number, insurance and current driver's license may enroll to bill. Not required to obtain

## Vision

a credential.

Optometrists or Ophthalmologists with a current license in the state where they provide services to Illinois children may enroll to bill. Not required to obtain a credential.

Individuals with (1) a Bachelor's degree or higher in Orientation and Mobility or (2) a current Special Education for Blind and Partially Seeing teaching certificate may apply for an EI Specialist: Developmental Therapist/Vision pending credential and enroll to bill. Additional training is required within 15 months for full credential status and continued enrollment.\* They may provide Developmental and/or Vision Therapy services related to visual functioning based on their qualifications and experience.

## \*Additional Training Requirements for EI Specialists and EI Associates:

Complete Within 15 Months for Full Credential Status and Continued Enrollment to Bill:

1) Illinois Early Intervention System Training, and

2) a) 12 hours of training covering two or more of the following topics, or  
b) 240 hours experience working with children birth to 5 to provide intervention services confirmed by written verification of an administrator plus 6 hours of training covering one or more of the following topics:

- Child Development
- Assessment
- Intervention
- Teaming
- Families

Training in the above topics must focus on working with infants and toddlers under 3 years of age who have developmental delays or developmental disabilities and/or with their families.

## Subsequent Credential Maintenance Requirements for All EI Credential Types:

Maintain licensure/certification if required for credential plus complete at least 12 hours of training during each 2 year period after reaching

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full credential status. Training must focus on working with infants and toddlers under 3 years of age who have developmental delays or developmental disabilities and/or with their families.

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## Section 500.APPENDIX D Use of Associate Level Providers

In order to enlist the widest pool of qualified service providers, the EI System will support the appropriate use of credentialed, non-enrolled associate level providers who function under the following guidelines and whose services are billed for by their credentialed, enrolled supervisor.

## GUIDELINES

Each credentialed associate level provider shall be supervised by a specialist credentialed/enrolled in the same discipline. (Appendix C identifies the requirements for professional and associate level credentialing and enrollment.)

## 1) The credentialed/enrolled specialist shall:

- a) evaluate/assess the child, develop the plan for intervention services required to accomplish Service Plan outcomes and submit evaluation/assessment report prior to Service Plan development/update/review;
- b) instruct the associate level provider about the intervention services to be provided;
- c) reassess the child as determined by the child's Service Plan and any licensure requirement for the enrolled specialist or associate level staff at least prior to each Service Plan update/review;
- d) revise the intervention activities as needed;
- e) approve all methods and materials selected to implement the intervention plan;
- f) consult at least bi-weekly with the associate level provider;
- g) submit direct service report prior to each Service Plan update/review and more often if the child's progress/lack of progress warrants;
- h) submit bills for services provided by the associate level provider;
- i) participate in Service Plan development/update/review; and
- j) follow supervision requirements as set forth in his/her licensure or other certification standards.

## 2) The credentialed associate level provider shall:

- a) provide services only as instructed by the supervising specialist;
- b) record all early intervention services provided;
- c) report all changes in child's condition to the supervising specialist;
- d) check authorization to make sure the associate is identified in the comment field as the provider of direct service under the

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- supervisor; and
- e) if the associate's name does not appear in the comment field of the authorization, contact the child's service coordinator to correct the oversight.

- 3) The credentialed associate level Speech/Language Pathologist in his/her Clinical Fellowship Year (CFY) shall:
- provide services under the supervision of a specialist who is credentialed/enrolled in the same discipline;
  - provide services consistent with the Illinois Speech/Language Pathology and Audiology Practice Act that includes evaluation/assessment and service plan development; and
  - follow the guidelines as listed in (1) and (2) above, except the restriction in (1)(a) that does not allow the associate to provide evaluation/assessment or service plan development.

**NOTE:** Supervisory time is non-billable time and is considered to be administrative time that is part of the rate paid.

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# Section 500.APPENDIX E Medical Conditions Resulting in High Probability of Developmental Delay (not an exclusive list)

1. Anomalies of Central Nervous System

Spina Bifida/Myelomeningocele  
 Spina Bifida with Hydrocephaly  
 Anomalies of the Spinal Cord  
 Encephalocele  
 Hydrocephaly  
 Microcephaly  
 Congenital Hydrocephalus  
 Reduction Deformities of Brain

Absence  
 Agensis  
 Agyria  
 Aplasia  
 Arhinocephaly  
 Holoprosencephaly  
 Hypoplasia  
 Lissencephaly  
 Microgyria  
 Schizencephaly

2. Birth weight: <1000 gm.

3. Chromosomal Disorders (most common, not to be used as an exclusive list)

Trisomy 21 (Down's Syndrome)  
 Trisomy 13  
 Trisomy 18  
 Autosomal Deletion Syndromes  
 Fragile X Syndrome  
 Williams Syndrome  
 Angelmann's Syndrome  
 Prader-Willi Syndrome

4. Congenital Infections

Toxoplasmosis  
 Rubella  
 Sytomegalovirus  
 Herpes Simplex with CNS involvement

5. Neonatal Meningitis

6. Cerebral Palsy

7. Craniofacial Anomalies (Major)

Cleft Palate



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## 8. Disorders of the Sense Organs

Sensorineural Hearing Impairment, Bilateral >40 dB  
 Visual Impairment  
 Bilateral Amblyopia  
 Severe Retinopathy of Prematurity ROP 3+  
 Bilateral Cataracts  
 Myopia of 3 Diopters or More  
 Albinism

## 9. Disorders of the Central Nervous System

Hypsarrhythmia  
 Acquired Hydrocephalus  
 Stroke  
 Traumatic Brain Injury  
 Intraventricular Hemorrhage - Grade III, IV  
 Hypoxic Ischemic Encephalopathy (with organ failure, seizures, renal failure, cardiac failure)  
 Unspecified Encephalopathy  
 Spinal Cord Injury  
 Neonatal Seizures (secondary to asphyxia or hypoglycemia)  
 Central Nervous System Cysts  
 Central Nervous System Tumors  
 Periventricular Leukomalacia

## 10. Inborn Errors of Metabolism

## 11. Neuromuscular Disorders

Congenital Muscular Dystrophy  
 Myotonic Dystrophy  
 Werdnig-Hoffman (Spinal Muscular Atrophy)  
 Congenital Myopathy  
 Duchenne

## 12. Pervasive Developmental Disorder / Autistic Spectrum

## 13. Syndromes \*(see further instructions for DSCC referral)

Cornelia de Lange  
 Lowe's  
 Rett  
 Rubenstein-Taybi  
 CHARGE (multiple anomalies)  
 VATER

## 14. Fetal Alcohol Syndrome

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Not just exposure to alcohol in utero or fetal alcohol effects, but a diagnosis of the syndrome

## 15. Orthopedic Abnormalities

Brachiopterus at Birth  
 Caudal Regression  
 Proximal Focal Femoral Deformities  
 Partial Amputations  
 Holt-Oram  
 Acquired Amputations  
 Arthrogryposis Multiplex Congenita  
 Osteogenesis Imperfecta \*(see further instruction for DSCC referral)

## 16. Technology Dependent

Tracheostomy  
 Ventilator Dependent \*(see further instruction for DSCC referral)

Children with medical conditions that are not listed may be determined eligible for services by a qualified family physician, pediatrician or pediatric subspecialist (pediatric neurologist, geneticist, pediatric orthopedic surgeon, pediatrician with special interest in disabilities) who provides written verification that the child's medical condition is associated with a high probability of developmental delay as listed in eligibility criteria.

Children with undiagnosed medical conditions or who require further medical evaluation may be referred by the Child and Family Connections (regional intake entity) for a medical diagnostic evaluation.

If you have any questions regarding these eligible medical conditions or medical diagnostic services, please contact your local Illinois Medical Diagnostic Network (IMDN) representative.

\* Referring to DSCC - Children with Cleft Palate, Orthopedic Abnormalities, or other potential DSCC eligible diagnoses associated with physical disabilities should be referred to the Division of Specialized Care for Children (DSCC). DSCC may provide medical diagnostic support at no cost to the family. Simultaneously Child and Family Connections should complete the intake process as usual. DSCC will determine the type of ongoing assistance they can provide.

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## NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Salem Civic Center Retailers' Occupation Tax

2) Code Citation: 86 Ill. Adm. Code 690

3) Section Numbers: 690.115  
Adopted Action: Amendment

4) Statutory Authority: 70 ILCS 200/245-12

5) Effective Date of Amendment: June 22, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: March 9, 2001, 25 Ill. Reg. 3640

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect?  
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: With regard to sales of coal or other minerals, this rulemaking defines "extracted from the earth" as the location at which coal or other minerals are extracted from the mouth of the mine. Also provides the exemption for tangible personal property sold to certain common carriers by motor (Public Act 90-552). Also makes other clarifying changes.

16) Information and questions regarding this adopted amendment shall be directed to:

Jerilynn Gorden  
Senior Counsel - Sales & Excise Taxes

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Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
(217) 782-6996

The full text of the adopted amendment begins on the next page:

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 690  
SALEM CIVIC CENTER RETAILERS' OCCUPATION TAX

Section	
690.101	Nature of the Salem Civic Center Retailers' Occupation Tax
690.105	Registration and Returns
690.110	Claims to Recover Erroneously Paid Tax
690.115	Jurisdictional Questions
690.120	Incorporation of Retailers' Occupation Tax Regulations by Reference
690.125	Penalties, Interest and Procedures
690.130	Effective Date

AUTHORITY: Implementing Section 12 of the Salem Civic Center Law of 1997 [70 ILCS 200/245-12] and authorized by Section 2505-95 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-95].

SOURCE: Adopted ~~8260~~ 21 Ill. Reg. 2390, effective February 3, 1997; amended at 25 Ill. Reg. ~~8260~~ effective JUN 2 2001.

## Section 690.115 Jurisdictional Questions

- a) Metropolitan Area Defined  
When used in this Part, "metropolitan area" means all territory in the State of Illinois lying within the corporate boundaries of the City of Salem in Marion County.
- b) Mere Solicitation of Orders not Doing Business
  - 1) For a seller to incur Salem Civic Center Retailers' Occupation Tax liability in a given metropolitan area, the sale must be made in the course of such seller's engaging in the retail business within such metropolitan area. In other words, enough of the selling activity must occur within the metropolitan area to justify concluding that the seller is engaged in business within the metropolitan area with respect to that sale.
  - 2) For example, the Supreme Court has held the mere solicitation and receipt of orders within a taxing jurisdiction (the State), where such orders were subject to acceptance outside the taxing jurisdiction and title passed outside such jurisdiction, with the goods being shipped from outside such jurisdiction to the purchaser in such jurisdiction, did not constitute engaging in the business of selling within such jurisdiction. This conclusion was reached independently of any question of interstate commerce and so would apply to the metropolitan area as the taxing jurisdiction as much as to the State as the taxing jurisdiction.
- c) Seller's Acceptance of Order
  - 1) Without attempting to anticipate every kind of fact situation

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that may arise in this connection, it is the Department's opinion, in general, that the seller's acceptance of the purchase order or other contracting action in the making of the sales contract is the most important single factor in the occupation of selling. If the purchase order is accepted at the seller's place of business within the metropolitan area county or by someone who is working out of such place of business and who does not conduct the business of selling elsewhere within the meaning of subsections (g) and (h) of this Section, or if a purchase order which is an acceptance of the seller's complete and unconditional offer to sell is received by the seller's place of business within the metropolitan area county or by someone working out of such place of business, the seller incurs Salem Civic Center Retailers' Occupation Tax liability in that metropolitan area if the sale is at retail and the purchaser receives the physical possession of the property in Illinois. The Department will assume that the seller has accepted the purchase order at the place of business at which the seller receives such purchase order from the purchaser in the absence of clear proof to the contrary.

- 2) If a purchase order is accepted outside this State, but the tangible personal property which is sold is in an inventory of the retailer located within the metropolitan area at the time of its sale (or is subsequently produced in the metropolitan area ~~if it is~~), then delivered in Illinois to the purchaser, the place where the property is located at the time of the sale (or subsequent production in the metropolitan area ~~if it is~~) will determine where the seller is engaged in business for Salem Civic Center Retailers' Occupation Tax purposes with respect to such sale.

## d) Some Considerations that are not Controlling

- 1) Delivery of the property within the metropolitan area to the purchaser is not necessary for the seller to incur Salem Civic Center Retailers' Occupation Tax liability. It is sufficient that the purchaser receives the physical possession of the property somewhere in Illinois as far as the question of delivery is concerned. This is true because there is no exemption for intermetropolitan area commerce comparable to the exemption arising from interstate commerce, and it is not necessary for delivery to be completed within the metropolitan area for the seller to be regarded as being engaged in the business of selling within such metropolitan area with respect to that sale.
- 2) The point at which the tangible personal property will be used or consumed and the place at which the purchaser resides are also immaterial in determining whether or not the seller incurs Salem Civic Center Retailers' Occupation Tax liability. Furthermore, the place at which the technical sale occurs (i.e., the place at which title passes) is not a decisive consideration since the



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phrase "in the metropolitan area" in the Salem Civic Center Use and Occupation Tax Law refers only to the location of the occupation of selling that is being taxed and not to the place where sales may be made. (See Standard Oil Company vs. Department of Finance et al., 383 Ill. 136 (1943 1934), for a similar problem under the Illinois Retailers' Occupation Tax Act.)

- e) Place of Business Where Long Term or Blanket Contracts are Involved Under a long term blanket or master contract which (though definite as to price and quantity) must be implemented by the purchaser's placing of specific orders when goods are wanted, the seller's place of business with which such subsequent specific orders are placed (rather than the place where the seller signed the master contract) will determine where the seller is engaged in business for Salem Civic Center Retailers' Occupation Tax purposes with respect to such orders.

## f) Sales Through Vending Machines

The seller's place of engaging in business when making sales through a vending machine is the place where the vending machine is located when such sales are made.

- g) Sales from Vehicles Carrying Uncommitted Stock of Goods The seller's place of engaging in business when making sales and deliveries (not just deliveries pursuant to previously accepted orders, but actual sales and deliveries) from a vehicle in which a stock of goods is being carried for sale is the place at which such sales and deliveries happen to be made - the vehicle carrying such stock of goods for sale being regarded as a portable place of business.

## h) Sales of Coal or Other Minerals

For the purpose of determining the tax that is applicable, a retail sale, by a producer of coal or other mineral mined in Illinois, is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. For purposes of this Section, "extracted from the earth" means the location at which the coal or other mineral is extracted from the mouth of the mine.

- 1) A retail sale is a sale to a user, such as a railroad, public utility or other industrial company, for use. "Mineral" includes not only coal, but also oil, sand, stone taken from a quarry, gravel and any other thing commonly regarded as a mineral and extracted from the earth.
- 2) A mineral produced in Illinois, but shipped out of Illinois by the seller for use outside Illinois, will generally be tax exempt under the Commerce Clause of the Federal Constitution (i.e., as a sale in interstate commerce). This exemption does not extend, however, to sales to carriers, other than common carriers by rail or motor, for their own use outside Illinois if the purchasing carrier takes delivery of the property in the metropolitan area. Miners and transports it over its own line to an out-of-State destination.

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- 3) A sale by a mineral producer to a wholesaler or retailer for resale would not be a retail sale by the producer and so would not be taxable. The taxable sale (the retail sale) is the final sale to the user, and the Salem Civic Center Retailers' Occupation Tax on that sale will go to the metropolitan area where the retailer is located.

(Source: Amended at 25 Ill. Reg. 8260, effective JUN 2 2001)

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- 1) Heading of the Part: Fees for Radioactive Material Licensees and Registrants
- 2) Code Citation: 32 Ill. Adm. Code 331
- 3) Section Number: Adopted Action:
- |            |           |
|------------|-----------|
| 331.30     | Amendment |
| 331.110    | Amendment |
| 331.120    | Amendment |
| 331.125    | Amendment |
| 331.130    | Amendment |
| 331.200    | Amendment |
| APPENDIX E | Amendment |
| APPENDIX F | Amendment |

- 4) Statutory Authority: Implementing and authorized by Section 11 of the Radiation Protection Act of 1990 [420 ILCS 40/11].

- 5) Effective Date of Amendments: July 1, 2001

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in the Illinois Register: April 20, 2001 (25 Ill. Reg. 5572)

- 10) Has JCAR issued a Statement of Objection to these amendments? No

- 11) Differences between proposal and final version:

a) In Section 331.120(c)(1), by changing the phrase "effective date of this amendment of 2001" to "July 1, 2001".

b) In Section 33.125(b)(1), by changing the phrase "effective date of the amendment of 2001" to "July 1, 2001".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreement letter was issued by the Joint Committee.

- 13) Will these amendments replace emergency amendments currently in effect?  
No

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- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These amendments clarify some definitions and terms, modify billing dates for licensees and increase fees to recover costs associated with licensing and inspecting specific licensees.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Robert B. Holtscław  
Senior Staff Attorney  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, Illinois 62704  
(217) 524-0770 (voice)  
(217) 782-6133 (TDD)

The full text of the adopted amendments begins on the next page:

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definitions for use in this Part are located in 32 Ill. Adm. Code 310.20.

"Application" means a request filed with the Department for a license, amendment, termination ~~amendment--to--terminate--a--license~~, renewal, sealed source or device evaluation, amendment to a sealed source or device evaluation or an exemption granted by the Department pursuant to 32 Ill. Adm. Code: Chapter II.

"Amendment" means a modification in the license document that reflects changes to a radiation safety program or modifications to a sealed source or device evaluation.

"Anniversary date" means the last day of the month for each year the license is in effect, corresponding ~~that--corresponds~~ to the ~~last-day~~ of-the month in which the license expires.

AGENCY NOTE: For purposes of this Part, the 28th shall ~~will~~ be considered the last day of the month of February.

"Billing year" means the period of time from October 1 of one year to September 30 of the following year.

"Category I irradiator" means a gamma irradiator in which the sealed source is completely contained in a dry container constructed of solid material, the sealed source is shielded at all times, and human access to the sealed source and the volume undergoing irradiation is not physically possible because of the design of the irradiator.

"Category II irradiator" means a controlled human access gamma irradiator in which the sealed source is contained in a dry container constructed of solid materials, is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system.

"Category III irradiator" means a gamma irradiator in which the sealed source is contained in a storage pool ~~usually--containing--water~~, the sealed source is shielded at all times, and human access to the sealed source and the volume undergoing irradiation is physically restricted in its design configuration and proper mode of use.

"Category IV irradiator" means a controlled human access gamma irradiator in which the sealed source is contained in a storage pool ~~usually--containing--water~~, is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system.

"Confirmatory environmental monitoring" means those surveys conducted by the Department either to establish whether the licensee has complied with the concentrations and exposure limits or dose limits

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TITLE 32: ENERGY  
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY  
SUBCHAPTER b: RADIATION PROTECTION

PART 331  
FEES FOR RADIOACTIVE MATERIAL LICENSEES AND REGISTRANTS

Section	Purpose
331.10	Scope
331.20	Definitions
331.30	Exemptions
331.110	Radioactive Material Recovery and Remediation Fee
331.115	Payment of Fees
331.120	Implementation
331.125	Refunds of Full Cost Recovery Deposits
331.130	Schedule of Fees For Radioactive Material Licenses (Repealed)
331.200	Failure By Applicant, Registrant or Licensee To Pay Prescribed Fee
331.210	
331.310	

APPENDIX A	Schedule of License Fees (Repealed)
TABLE A	License Fees - Jan. 1, 1988 - Dec. 31, 1988 (Repealed)
TABLE B	License Fees - Jan. 1, 1989 - Dec. 31, 1989 (Repealed)
TABLE C	License Fees - Jan. 1, 1990 - Dec. 31, 1990 (Repealed)
APPENDIX B	Fee Schedule For Radioactive Material Licenses (Repealed)
APPENDIX C	Fee Schedule For Sealed Source And Device Evaluations (Repealed)
APPENDIX D	Fee Schedule For Radioactive Material Licenses (Repealed)
APPENDIX E	Primary Material Use Categories for Radioactive Material Licensees and Registrants
APPENDIX F	Fee Schedule for Radioactive Material Licensees and Registrants

AUTHORITY: Implementing and authorized by Section 11 of the Radiation Protection Act of 1990 [420 ILCS 40/11].

SOURCE: Adopted at 10 Ill. Reg. 17239, effective September 25, 1986; amended at 11 Ill. Reg. 20570, effective January 1, 1988; amended at 15 Ill. Reg. 90, effective January 1, 1991; amended at 16 Ill. Reg. 11479, effective July 7, 1992; amended at 18 Ill. Reg. 12131, effective August 1, 1994; emergency amendment at 21 Ill. Reg. 4309, effective March 19, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 10968, effective July 28, 1997; amended at 22 Ill. Reg. 6951, effective April 1, 1998; amended at 23 Ill. Reg. 5585, effective April 23, 1999; amended at 25 Ill. Reg. ~~8266~~ 8266-2 effective ~~April 2001~~

Section 331.30 Definitions

The following definitions are applicable for use in this Part only. Additional



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specified in 32 Ill. Adm. Code 332, 340, 601 or 606, or to provide data to evaluate potential health and environmental impacts resulting from licensed activities.

"Custom sealed source or device evaluation" means a document issued by the Department for either a sealed source or a device containing radioactive material, built to the unique specifications for use at the site specified in the evaluation.

"Dispensing" means to remove aliquots of radioactive material from bulk stock and distribute portions to another licensee or to a person exempt from licensure.

"Distribution" means the transfer of radioactive material to three or more licensees or persons exempt from licensure pursuant to 32 Ill. Adm. Code 330 or 332.

"Educational institution" means a non-profit organization which has as its primary purpose the advancement of knowledge in one or more specific fields and which is accredited by the North Central Association of Colleges and Schools or equivalent.

"Generally licensed devices" means x-ray fluorescence analyzers, gas chromatographs and gauges containing sealed sources in quantities equal to or greater than 37 MBq (lmCi) of radioactive material possessed by persons licensed pursuant to 32 Ill. Adm. Code 330.220(b).

AGENCY NOTE: Although general licensees are required to register with the Department (32 Ill. Adm. Code 320.10), only general licensees possessing the types of devices with quantities of radioactive material defined above are required to pay fees as specified in this Part.

"Generally licensed kits" means radioactive material possessed by persons licensed pursuant to 32 Ill. Adm. Code 330.220(f) for in vitro clinical or laboratory testing.

"Manufacture" means the dispensing or processing of radioactive material or the assembly of radioactive material as sealed sources into devices.

AGENCY NOTE: A person manufacturing or assembling devices intended to utilize radioactive sealed sources may need to obtain a license authorizing manufacturing, even if that device is to be evaluated for safety by the Department for distribution without the radioactive component.

"Materials license" means a radioactive material license issued pursuant to 32 Ill. Adm. Code 330, 332 or 601.

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"Permanent jobsite" means any location where licensed material is stored or used for more than 180 days during any consecutive 12 months, or any site listed on a specific license that authorizes receipt, use or storage of radioactive material.

AGENCY NOTE: Locations where radioactive material is received and eventually redistributed or taken to other sites for use are typically included as permanent jobsites on specific licenses.

"Primary material use category" means the category described in Appendix E of this Part that corresponds to the category of use of radioactive material with the highest fee, either authorized by the license or requested by the applicant.

"Processing" means the preparation, manipulation or conversion of radioactive material.

"Remote site" means any permanent jobsite that is located in an area that is not contiguous to the primary use location.

"Sealed source or device evaluation" means a document issued by the Department, the Nuclear Regulatory Commission, an Agreement State or a Licensing State, indicating that the sealed source or device specified on the document has been evaluated for distribution.

"Temporary jobsite" means any location where licensed material is used or stored for 180 days or less during any consecutive 12 months, and not specifically listed on a radioactive materials license.

AGENCY NOTE: For mobile nuclear medicine licensees in fee category 208F, radioactive material can only be shipped to and received at sites specifically listed on a radioactive material license; therefore, material cannot be shipped to a temporary jobsite, but may be transported to temporary sites by the licensee.

"Treatment" means any method, technique or process, including storage for radioactive decay, designed to change the physical, chemical or biological characteristics or composition of any waste in order to render the waste safer for transport, storage or disposal, amenable to recovery, convertible to another usable material or reduced in volume. [420 ILCS 20/3]

(Source: Amended at 25 Ill. Reg. 8266, effective 01/01/01)

## Section 331.110 Exemptions

No fees as described in Sections 331.115 and 331.120 of this Part shall be required for:

- a) Persons who possess radioactive material pursuant to 32 Ill. Adm. Code

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Section 331.120 Payment of Fees

Fees shall be assessed and paid as follows:

a) For categories of specific licenses that are shown to have an annual fee in Appendix F of this Part, applicants and licensees shall be billed as described in this subsection (a). Payment is due within 60 days after the date of billing. fees-shall-be-due-at-the-time-a-new license-application-is-submitted-to-the-Department---For-existing licenses---fees-shall-be-due-annually-on-the-anniversary-date---Fees shall-also-be-assessed-for-applications-for-amendments-to-change-the primary-material-use-category-to-a-primary-use-category-with-a-higher fee-and-amendments-to-increase-the-number-of-permanent-jobsites- Fees Annual-license-fees shall be assessed as follows:

- 1) Annual fees: Unless a license or amendment application is exempt under Section 331.110 of this Part, or the license fee is to be based on full cost recovery costs (see Appendix F of this Part), each licensee shall be assessed remit the fees specified in Appendix F of this Part for the primary material use category authorized by the license annually prior-to-the-anniversary-date.
- 2) Annual remote site fee: For each remote site listed on a specific radioactive material license, where radioactive material is stored or used under the same license, the applicant shall annually be assessed submit the amount specified in Appendix F of this Part for each remote site that corresponds to the highest material use category authorized by the license for each site. the-licencee-shall-remit-the-remote-site-fee-prior-to-the-anniversary-date.

- 3) Changing the primary material use category of a remote site category. An application for amendment to a materials license that would change the primary material use category or a remote site category to a new primary-material-use category with a higher fee shall be assessed fees for accompanied-by the incremental difference between the applicable annual fees and the portion of the billing year remaining from the time the amendment is approved by the Department, as-determined-by-the-following formula:

P--H-b

where:

P--Total-fee-due-

H--Higher-fee-required-by-new-primary-material-use-category-

B--License-fee-for-the-primary-material-use-category currently-authorized-by-the-license-

the-same-formula-shall-be-used-to-calculate-fees-for-each-remote site-authorized-on-the-license-

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- b) 330.210, 330.220(a), (c), (d), (e), (g) or 330.900(a)(2) and (b)(2). Persons who possess radioactive material pursuant to 32 Ill. Adm. Code 330.220(b), except for generally licensed devices as defined in Section 331.30 of this Part.

- c) A license for possession and use of radioactive material issued to an agency of a state, county, or municipal government or any political subdivision thereof. This exemption does not apply to licenses for which the license fee is based on full cost recovery, licenses that which authorize distribution of radioactive material or licenses authorizing testing for leakage or contamination as a service, or instrument calibration services to any person other than an agency or political subdivision of a state, county, or municipal government.

- d) A license for possession and use of radioactive material issued to an educational institution as defined in Section 331.30 of this Part. This exemption does not apply to licenses for which the license fee is based on full cost recovery, licenses authorizing commercial distribution of radioactive material, licenses authorizing human use of radioactive material, licenses authorizing veterinary use of radioactive material, or licenses authorizing remunerated testing of sealed sources for leakage or contamination or remunerated instrument calibration services to any person.

AGENCY NOTE: Commercial distribution does not include transfer of material to other licensees for the purposes of collaborative research and development.

- e) AGENCY NOTE: Remunerated services refer to persons not affiliated with the licensee. For example, this does not include contractual arrangements between different departments within the same licensee.

- f) An application to amend a materials license for which the license fee is not based on full cost recovery, that would not change the primary material use category to a category with a higher fee, or add additional permanent jobsites.

- g) A general license or specific license authorizing the use of source material as prefabricated shielding only for devices and containers, provided, however, that all other licensed material in the device or container shall will be subject to the fees prescribed in Appendix F of this Part.

- h) An application to change the status of a sealed source or device evaluation from "active" to "inactive". Upon request of the manufacturer or distributor, an evaluation is designated "inactive" by the Department when such sources and devices are no longer manufactured or distributed, or when the evaluation is superseded by another evaluation.

- h) An application to change the company name or address listed on a sealed source or device evaluation.

8266-3

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective 11/1/2001)



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- 4) The annual and remote site fees listed in Appendix F of this Part are nonrefundable, and are assessed based on for a 12 month period beginning on the anniversary date.
- 5) Applicants requesting Applications for new licenses or amendments shall with be assessed fees for the applicable Primary category as specified in Appendix F of this Part, based upon the date Applicants shall be assessed fees for the portion of the billing year remaining from the time the application is received in the Department to the end of the billing year.
- 6) An educational institution (as defined in Section 331.30 of this Part) that seeks or has a license authorizing possession and use of radioactive material for human use or veterinary use, or remunerated leak testing or instrument calibration services to others shall pay 100% of the highest primary material use category for which a fee is due.

- b) Recovery and remediation fees listed in Appendix F of this Part are nonrefundable and shall be billed along with the new license application fee described in subsection (a)(5) of this Section. The second installment, if required by due annually on the anniversary date as specified in Section 331.115 of this Part, shall be assessed at the next billing date.

- c) For categories of licenses that have fees based on full cost recovery of review, as listed in Appendix F of this Part, fees shall be assessed for all new applications, evaluations, inspections, amendments (including amendments to terminate or renew a license) and for monitoring of unlicensed properties contaminated with byproduct material (as defined in 32 Ill. Adm. Code 332.20) and assessing the decontamination and decontamination activities at those such properties. Fees based on full cost recovery license reviews shall be assessed paid as follows:

- 1) A licensee or applicant shall be assessed the deposit prescribed in Appendix F of this Part when the first application is received by the Department after July 1, 2001. Licensees that already have adequate deposits on file with the Department shall not be required to resubmit a deposit except for sealed source or device evaluations as indicated in subsection (d) of this Section. This deposit shall be held by the Department until a new license request has been denied by the Department or withdrawn by the applicant, or an existing license is terminated. The deposit shall be refunded in accordance with Section 331.130 of this Part. For license categories based on full cost review, the licensee will be billed quarterly or when the Department has incurred unpaid full cost expenses as defined in Section 331-200(f) of this Part in excess of the amount of the deposit whichever is earlier. Each bill will identify the applications and the costs related to each. Payment is due within 60 days after the date of billing.

- 2) For the first application received from a licensee after April 1

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1998, for which Appendix F of this Part specifies that the review charges are based on full costs, the applicant shall submit the deposit prescribed in Appendix F of this Part. Licensees that already have adequate deposits on file with the Department are not required to resubmit a deposit except as indicated in subsection (d) of this Section. The licensee may be billed quarterly, or when the Department has incurred unpaid full cost expenses (as defined in Section 331.200(c) of this Part) in excess of the amount of the deposit, or upon completion of a license action (such as an amendment or renewal) amendment. Each bill shall identify the actions applications and the costs related to each. Payment is due within 60 days after the date of billing.

- d) For evaluations of new sealed sources and devices, and amendments to existing sealed sources and device evaluations, fees shall be assessed based on the full cost of review. Each application for an evaluation of a new sealed source or device, or for an amendment to an existing sealed source or device evaluation, shall be accompanied by a deposit in the amount of \$500.00. The applicant shall be billed or issued a refund upon the completion of the review. Each bill shall identify the actions applications and the costs related to each. Payment is due within 60 days after the date of billing.

- e) For evaluations of financial assurance reclamation plans and surety cost estimates submitted to the Department, fees for Department review shall be assessed based on the full cost of review time in excess of two hours one-hour. Payment is due within 60 days after the date of billing prior to issuance or amendment of the license.

- f) For categories of licenses not exempted in Section 331.110 of this Part, and licenses not subject to full cost recovery reviews as described in Appendix F of this Part, full cost recovery fees shall be assessed for Department confirmatory measurements and Department assessment of decommissioning and decontamination activities associated with the termination of a license or use of a site. The licensee shall be billed upon the completion of the assessment and prior to removal of a site from the license or termination of the license. Each bill shall identify the actions applications and the costs related to each. Payment is due within 60 days after the date of the billing.

- g) Each general licensee possessing a generally licensed kit or device defined in Section 331.30 of this Part shall be assessed fees billed the amount specified in Appendix F of this Part annually. Fees are nonrefundable and payment is due within 60 days after the date of the billing.

- h) Sealed source and device evaluation maintenance fee. Each person having an active sealed source or device evaluation on file with the Department, except for custom sealed source and device evaluations, shall be billed the amount specified in Appendix F of this Part annually for each active evaluation sheet on file with the Department.



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Fees are nonrefundable and payment Payment is due within 60 days after the date of the billing.

- i) Reciprocity fees. Each person generally licensed under 32 Ill. Adm. Code 330.900 for reciprocal recognition of an out-of-state specific license shall be assessed fees billed for the applicable annual license fee for the primary material use category indicated in Appendix F of this Part. Fees are nonrefundable and payment is due within 60 days after the date of the billing. The assessed billing period shall will be for the 12 twelve consecutive months following the licensee's first use under the general license. If, at the end of the 12 month period, the licensee is not using the general license, no additional fees are due until licensed activities commence again.
- AGENCY NOTE: Reciprocity licensees are also subject to recovery and remediation fees specified in Section 331.115 of this Part.

- j) Fee payments. Payments shall be by check or money order made payable to the Illinois Department of Nuclear Safety.

(Source: Amended at 25 Ill. Reg. 8266 effective July 1, 2001)

## Section 331.125 Implementation

- a) Effective July 1, 2001 April-17-1990, all licensees shall be assessed recovery-and-remediation fees in accordance with this Part.

- b) Converting all specific licensees to a single billing date shall be accomplished as follows:

1) For licensees with anniversary dates between July 1, 2001 and October 1, 2001, the fee assessed shall be the annual fee in Appendix F of this Part plus the prorated amount of that listed fee for the period from the anniversary date to October 1, 2001 (prorated on a daily basis).

2) For licensees with anniversary dates after October 1, 2001, the fee assessed shall be the annual fee listed in Appendix F of this Part minus the prorated amount of the last fee paid to the Department for the period from October 1, 2001 to the anniversary date (prorated on a daily basis).

- cb) All new license applications received--in-the-Department--beginning April-17-1990 shall be assessed fees in accordance with Section 331.120(al)(5) of this Part.

- d) Reciprocity licensees shall continue to be billed in accordance with 32 Ill. Adm. Code 330.120(1).

- e) Effective-April-17-1990--all--licensees--with--license--expiration--dates between--April--17-1990--and--March-31-1999, shall-be-assessed-annual fees-in-accordance-with-this-Part:

- df) Effective-April-21-1999, the following licensees shall--be--assessed annual-fees-in-accordance-with-this-Part:

- 1) licensees-with-expiration-dates-after-April-17-2003;

- 2) licensees--with--expiration-dates-between-April-17-1990-and-March

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317-20007--and

- 3) licensees--that--have--converted--to--annual--fees--  
e) Effective-April-17-20007, the following--licensees--shall--be--assessed annual--fees--in-accordance-with-this-Part:

- 1) licensees-with-expiration-dates-after-April-17-2003;

- 2) licensees--with--expiration-dates-between-April-17-1990-and-March-31-20017--and

- 3) licensees--that--have--converted--to--annual--fees--

- f) Effective-April-17-20017, the following--licensees--shall--be--assessed annual--fees--in-accordance-with-this-Part:

- 1) licensees-with-expiration-dates-after-April-17-2003;

- 2) licensees--with--expiration-dates-between-April-17-1990-and-March-31-20027--and

- 3) licensees--that--have--converted--to--annual--fees--

- g) Effective-April-17-20027, all--licensees--shall--be--assessed--annual--fees in-accordance-with-this-Part:

- h) For--licensees--that--are--not--yet--subject--to--annual--fees--in--the--event the--licensee--submits--an--application--to--add--a--remote--use--site--or--change to--a--different--primary--material--use--category7--the--Department--shall require--that--licensee--to--convert--to--annual--fees--as--specified--in--this Part--The--Department--shall--issue--a--credit--or--refund--for--the--full remaining--years--left--on--the--licensee--as--described--in--Section--331.130 of--this--Part--and--the--licensee--shall--pay--the--difference--between--the credited--amount--and--any--annual--fees--due--in--the--event--the--amount--to be--refunded--exceeds--the--annual--fees--due7--a--refund--shall--be--issued--No amendment--to--change--the--number--of--remote--sites--listed--on--the--license or--to--change--the--primary--material--use--category--shall--be--approved--until all--fees--are--paid7

(Source: Amended at 25 Ill. Reg. 8266 effective July 1, 2001)

## Section 331.130 Refunds of Full Cost Recovery Deposits

The following procedures shall will be followed by the Department when calculating refunds to licensees with full cost recovery deposits on file with the Department:

- a) For--licensees--with--an--expiration--date--prior--to--March--31--20037--that have--not--converted--to--annual--fees7--and--for--which--a--fixed--fee--is prescribed--in--Appendix--F--of--this--Part7--it--in--the--event--that--the Department--terminates--a--license--at--the--request--of--the--licensee--prior to--the--license--expiration--date7--the--Department--will--issue--a--prorated refund--of--ten--percent--of--the--license--fees--paid--prior--to--April--17-19997 for--each--remaining--full--year--for--which--the--license--fee--was--paid7 2) in the--event--that--the--licensee--requests--to--add--a--remote--use--site--or change--to--a--different--primary--material--use--category7--prior--to--the license--expiration--date7--the--Department--will--issue--a--credit--or prorated--refund--of--ten--percent--of--the--license--fees--paid--prior--to--April

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17-1990, for each remaining full year for which the license fee was paid. b) For new license applications received prior to April 17, 1997 in the event that the applicant withdraws or the Department abandons or denies an application prior to issuance of the license, document 7 the Department will issue a refund totaling 50% of the total fee submitted for that license action. c) For licenses for which the license fee is based on full cost review and for applications for sealed source and device evaluations, in the event that the applicant withdraws or abandons or the Department denies an application prior to issuance of a sealed source and device evaluation sheet or initial license, the Department shall issue a refund totaling the deposit submitted for that application minus the full cost recovery expenses incurred by the Department but not paid by the applicant. In the event the expenses incurred by the Department exceed the deposit, the applicant shall be billed for the unpaid balance of full cost recovery expenses as defined in Section 331.200 of this Part. Each bill shall identify the actions application and the related costs. Payment is due within 60 days after the date of billing.

ba) Upon for licenses for which the fee is based on full cost review and for sealed source and device evaluations, upon termination of the license or issuance of a sealed source or device evaluation sheet, the Department shall issue a refund totaling the deposit submitted, minus any outstanding full cost recovery expenses. In the event that expenses incurred exceed the deposit, the applicant shall be billed for the unpaid balance of full cost recovery expenses as defined in Section 331.200 of this Part. Each bill shall identify the actions applications and the related costs. Payment is due within 60 days after the date of billing.

(Source: Amended at 25 Ill. Reg. 8266, effective

## Section 331.200 Full Cost Recovery of Review

Initial applications, amendments and renewals for licenses designated as full cost recovery in Appendix F of this Part, and evaluations of new sealed sources and devices, or amendments to existing sealed source and device evaluations are assessed fees based on full cost recovery of review and inspection efforts. Full cost recovery of review fees are calculated based on the following:

- The time required by Departmental professional staff to conduct the review, including license file review, travel time, correspondence preparation and supervisory and management review of specific actions, multiplied by the rate specified in subsection (f) of this Section.
- The time required by Departmental professional staff to conduct inspections or perform confirmatory environmental monitoring, including license file review, travel time, correspondence preparation and supervisory and management review of specific actions, multiplied

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c) by the rate specified in subsection (f) of this Section. For licenses authorizing the possession and use of source material (as defined in 32 Ill. Adm. Code 310.20) and byproduct material (as defined in 32 Ill. Adm. Code 332.20), the Department's cost for overseeing decontamination activities at unlicensed properties contaminated with source or byproduct material, including, but not limited to, travel time, correspondence preparation, supervisory and management review of specific actions, multiplied by the rate specified in subsection (f) of this Section.

d) The cost of standard lab equipment and supplies, special environmental monitoring equipment and servicing of such equipment.

e) The contractual support service costs, if any, incurred by the Department in conjunction with the review, inspections and confirmatory environmental monitoring activities.

AGENCY NOTE: These support service costs may include, but are not limited to, rental of specialized equipment, acquisition of additional professional expertise not available within the Department and laboratory fees charged to the Department.

f) The hourly rate for full cost recovery reviews shall be \$139.44.

AGENCY NOTE: Full cost recovery activities are billed to the nearest tenth of an hour.

1) \$110 for licensees with material use category i06A, Source Material and Byproduct Material.

2) \$110 for licensees with material use category i06B, Source Material that requires a specific radioactive materials license.

3) \$110 for licensees with material use category i07, Radioactive Waste.

4) \$110 for licensees with material use category i09, Decontamination Facilities, and

5) \$110 for evaluations of sealed sources and devices.

(Source: Amended at 25 Ill. Reg. 8266, effective

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF ADOPTED AMENDMENTS

## Section 31. APPENDIX E Primary Material Use Categories for Radioactive Material Licensees and Registrants

## Fee Category Primary Material Use Category Description

## MANUFACTURING/DISTRIBUTION

201A. Broad Scope Manufacturing and/or Distribution - licenses (as specified in 32 Ill. Adm. Code 330.270) for possession and use of radioactive material for research and development, and processing or manufacturing radioactive material or items containing radioactive material for commercial distribution, including, but not limited to, nuclear pharmacy operations, or manufacturing of a chemical mixture, compound, solution or alloy which is listed in 32 Ill. Adm. Code 330.30.

201B. Specific Manufacturing and/or Distribution - licenses for possession and use of greater than one-curie-~~437~~ GBq (1Ci) of radioactive material for research and development, and processing or manufacturing radioactive material or items containing radioactive material for commercial distribution, including, but not limited to, manufacturing of a chemical mixture, compound, solution or alloy which is listed in 32 Ill. Adm. Code 330.30.

201C. Nuclear Pharmacy and Limited Manufacturing and/or Distribution - this category of radioactive material licenses addresses two similar types of licenses, either:

i) nuclear pharmacy licenses for possession, use and distribution of radiopharmaceuticals and sealed sources to persons authorized pursuant to 32 Ill. Adm. Code 335; or

ii) licenses for possession and use of not more than one curie-~~437~~ GBq (1Ci) of radioactive material for research and development, and processing or manufacturing of radioactive material for limited commercial distribution, including, but not limited to, manufacturing of a chemical mixture, radiolabeled compound, solution or alloy that which is listed in 32 Ill. Adm. Code 330.30.

201D. Distribution - licenses authorizing receipt, storage and distribution of radioactive material or items containing radioactive material, not involving processing or manufacturing of radioactive material.

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF ADOPTED AMENDMENTS

## IRRADIATORS

## 202A.

Category I Irradiator - licenses for possession and use of radioactive material as sealed sources in a gamma irradiator in which the sealed source is completely contained in a dry container constructed of solid material, the sealed source is shielded at all times, and human access to the sealed source and the volume undergoing irradiation is not physically possible because of the design of the irradiator.

## 202B.

Category II, III or IV Irradiator - licenses for possession and use of less than ~~10-000-curies~~-~~4370~~ TBq (10,000 Ci) of radioactive material as sealed sources in a controlled human access gamma irradiator in which the sealed source is either:

- i) contained in a dry container constructed of solid materials, is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system;
- ii) contained in a storage pool ~~usually-containing-water~~, the sealed source is shielded at all times, and human access to the sealed source and the volume undergoing irradiation is physically restricted in its design configuration and proper mode of use; or
- iii) contained in a storage pool ~~usually-containing-water~~, is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system.

## 202C.

Category II, III or IV Irradiator - licenses for possession and use of ~~10-000-curies~~-~~4370~~ TBq (10,000 Ci) or more of radioactive material as sealed sources in a controlled human access gamma irradiator in which the sealed source is either:

- i) contained in a dry container constructed of solid materials, is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system;
- ii) contained in a storage pool ~~usually-containing-water~~, the sealed source is shielded at all times, and human access to the sealed source and the volume undergoing irradiation is physically restricted in its design configuration and proper mode of use; or



## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF ADOPTED AMENDMENTS

- iii) contained in a storage pool ~~usually-containing-water~~, is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system.

RESEARCH AND DEVELOPMENT

- 203A. Broad Scope Research and Development - licenses (as specified in 32 Ill. Adm. Code 330.270) for possession and use of radioactive material for research and development that do not authorize commercial distribution.
- 203B. Other Research and Development - licenses for possession and use of radioactive material for research and development that do not authorize commercial distribution.

AGENCY NOTE: The Department will allow the non-commercial distribution of material to other licensees for the purpose of collaborative research and development.

PORTABLE AND FIXED GAUGES

- 204A. Gas Chromatographs and Fixed X-Ray Fluorescence Analyzers - specific licenses for possession and use of radioactive material in sealed sources for use in gas chromatographs or fixed x-ray fluorescence analyzers.
- 204B. Portable Gauges and Portable X-Ray Fluorescence Analyzers - specific licenses for possession and use of radioactive material as sealed sources for use in portable gauges or x-ray fluorescence analyzers.
- 204C. Fixed Gauges - specific licenses for possession and use of radioactive material as sealed sources for use in fixed gauges.

SERVICE

- 205A. Service - licenses that authorize services for other persons, including, but not limited to, testing of sealed sources for leakage or contamination, instrument calibration and sample analysis, but not including waste disposal transportation or radioactive waste broker services. Medical service licensees include licensees that only transport sources and equipment to a client's facility, but do not authorize the medical use or administration of that material. The medical use or administration of radioactive material to humans or animals shall be performed under a specific medical use license.

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## NOTICE OF ADOPTED AMENDMENTS

- 205B. Nuclear Laundries - licenses for commercial collection and laundering of items contaminated with radioactive material.
- 205C. Decontamination Facilities - licenses that authorize receipt of items contaminated with radioactive material for the purpose of decontaminating such items.

WIRELINE (Well-Logging)

206. Wireline Service Operations (as defined in 32 Ill. Adm. Code 351) - licenses specifically authorizing use of radioactive material for wireline services, well surveys and tracer studies.

INDUSTRIAL RADIOGRAPHY

207. Industrial Radiography (as defined in 32 Ill. Adm. Code 350) - licenses specifically authorizing use of radioactive material for industrial radiography at permanent or temporary jobsites.

MEDICAL/VETERINARY

- 208A. Broad Scope Medical/Veterinary Use - Broad scope licenses (as specified in 32 Ill. Adm. Code 330.270) authorizing diagnostic and/or therapeutic veterinary or human use of radioactive material. These licenses may include research and development, or use of radioactive material in sealed sources contained in teletherapy or high dose rate remote afterloader devices.
- 208B. Medical/Veterinary Use Including Teletherapy and/or High Dose Rate Remote Afterloader - licenses for diagnostic and/or therapeutic human or veterinary use of radioactive material that include authorization for possession and use of radioactive material as sealed sources contained in teletherapy or high dose rate remote afterloader devices for medical or veterinary use and for the irradiation of other items.
- AGENCY NOTE: Possession of a teletherapy unit that is out of service and in storage only does not mean the primary radioactive material use category is the teletherapy category described in 208B. Such licensees should review the other categories to determine their primary radioactive material use category. If this is the only material possessed under a specific license, then see category 212A.
- 208C. Medical/Veterinary Use - licenses for diagnostic and/or therapeutic human or veterinary use of radioactive material (i.e., 32 Ill. Adm. Code 335.5010 and/or 335.7010).

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF ADOPTED AMENDMENTS

- 208D. Diagnostic Use Only - licenses restricted to only the diagnostic human or veterinary use of radioactive material for uptake, dilution, excretion, imaging or localization studies, sealed sources for diagnosis, and in vitro kits (i.e., 32 Ill. Adm. Code 335.4010), except as specified in 32 Ill. Adm. Code 330.220(f).
- 208E. Limited Medical/Veterinary Use - licenses restricted to only the human or veterinary use of radioactive material for uptake, dilution and excretion studies (i.e., 32 Ill. Adm. Code 335.3010).

- 208F. Mobile Nuclear Medicine - licenses authorizing the receipt, possession and use of radioactive material for diagnostic or therapeutic human or veterinary use at temporary jobsites.  
 AGENCY NOTE: Licensees wishing to establish mobile medical services involving High Dose Rate Remote Afterloaders for therapeutic use in humans or animals shall be licensed under Category 208B.

REGISTRANTS (GENERAL LICENSES)

- 209A. General Licenses for Kits - radioactive material (as specified in 32 Ill. Adm. Code 330.220(f)) for certain in vitro clinical or laboratory testing.
- 209B. Facilities with Generally Licensed Devices - facilities registered with the Department to possess or use radioactive material (as specified in 32 Ill. Adm. Code 330.220(b)), except for material contained in devices designed and manufactured for the purpose of producing light, and material in the form of sealed sources used in devices with a maximum activity less than or equal to 37 MBq (1 mCi).

SOURCE MATERIAL

- 210A. Possession and Use of Source Material (as defined in 32 Ill. Adm. Code 310.20) and Byproduct Material (as defined in 32 Ill. Adm. Code 332.20) - licenses for possession and use of source material in recovery operations such as milling, in-site leaching, heap-leaching, ore buying stations, ion exchange facilities and in processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations as well as licenses authorizing the possession and maintenance of a facility in a standby mode.

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## NOTICE OF ADOPTED AMENDMENTS

- 210B. Possession and Use of Source Material (as defined in 32 Ill. Adm. Code 310.20) - licenses for possession and use of source material that require a specific radioactive materials license. This does not include licenses authorizing manufacture and distribution of source material, nor does it include specific licenses authorizing source material used for shielding or source material authorized for use in manufacturing operations as described in Material Use Categories 201A, B and C of this Section.

WASTE DISPOSAL AND TREATMENT FACILITIES

- 211A. Low-Level Radioactive Waste Disposal Facilities - licenses issued pursuant to 32 Ill. Adm. Code 601 specifically authorizing the disposal of low-level radioactive waste away from the point of generation.
- 211B. Low-Level Radioactive Waste Treatment Facilities - licenses specifically authorizing the receipt of low-level radioactive waste material from other persons for treatment away from the point of generation, and transfer to a person authorized to receive or dispose of the material.
- 211C. Centralized Low-Level Radioactive Waste Storage Facilities - licenses specifically authorizing the receipt of low-level radioactive waste material from other persons for storage away from the point of generation, and transfer to a person authorized to receive or dispose of the material.
- 211D. Other Low-Level Radioactive Waste - licenses authorizing other methodologies for disposal of low-level radioactive waste.

OTHER

- 212A. Storage Only - licenses authorizing storage only of radioactive material, but ~~for eventual disposal~~--and does not include facilities described as Centralized Low-Level Radioactive Waste Storage Facilities.
- 212B. Possession Incident to Exempt Distribution - licenses authorizing possession, receipt, storage and repackaging of byproduct radioactive material for eventual distribution to persons exempt under a specific license issued by the U.S. Nuclear Regulatory Commission.  
 AGENCY NOTE: The U.S. Nuclear Regulatory Commission maintains sole authority to issue licenses authorizing distribution of exempt quantities of byproduct radioactive material. However, those licenses do not authorize storage of such material at

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF ADOPTED AMENDMENTS

facilities in Illinois, therefore, a separate license must be obtained from the Department for possession of such material.

212C. Other - all other specific radioactive material licenses not specified elsewhere in this Appendix.

212D. Reciprocity for Exhibition and Demonstration Only - licenses authorizing only exhibition or demonstration of devices for a period of not greater than 180 days in any 12-month period.

212E. Sealed Source and Device Evaluation Maintenance Fee - a fee per active evaluation sheet maintained by the Department, excluding custom sealed source and device evaluation sheets.

(Source: Amended at 25 Ill. Reg. 8266, effective 01/01/2001)

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF ADOPTED AMENDMENTS

### Section 331.APPENDIX F Fee Schedule for Radioactive Material Licensees and Registrants

Primary Category	Description	Annual Fee	Remediation Fee	Recovery and Remote Site Fee
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#### MANUFACTURING/DISTRIBUTION

201A.	Broad Scope Manufacturing and or Distribution	\$9,670 67413	\$300	\$3,860 27772
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201B.	Specific Manufacturing and/or Distribution	\$4,627	\$300	\$2,112
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201C.	Nuclear Pharmacy and Limited Manufacturing and/or Distribution	\$2,715 27179	\$300	\$1,910 999
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201D.	Distribution	\$1,645 17925	\$300	\$ 283
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#### IRRADIATORS

202A.	Category I Irradiator	\$ 660 626	\$300	\$ 310 145
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202B.	Category II, III, or IV Irradiator (less than 10,000 curies (370 TBq))	\$3,665 27565	\$300	\$2,665 17569
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202C.	Category II, III or IV Irradiator (10,000 curies (370 TBq) or more)	Full Cost \$47,996	\$300	Full Cost \$37,999
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#### RESEARCH AND DEVELOPMENT

203A.	Broad Scope Research and Development	\$6,120 37999	\$300	\$3,480 17999
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203B.	Other Research and	\$1,960	\$300	\$ 790
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## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF ADOPTED AMENDMENTS

## Development

7613

787

## PORTABLE AND FIXED GAUGES

204A.	Gas Chromatographs and Fixed X-Ray Fluorescence Analyzers	\$ 595 488	\$ 300	\$ 161
204B.	Portable Gauges and Portable X-Ray Fluorescence Analyzers	\$ 915 523	\$ 300	\$ 295 198
204C.	Fixed Gauges	\$1,015 657	\$ 300	\$ 320 198

## SERVICE

205A.	Service	\$1,495 1787	\$ 300	\$ 450 389
205B.	Nuclear Laundries (One-time Deposit of \$10,000)	Full Cost 37948	\$ 300	Full Cost \$17386
205C.	Decontamination Facilities (One-time Deposit of \$10,000)	Full Cost	\$ 300	Full Cost N/A

## WIRELINE (Well Logging)

206.	Wireline Service Operations	\$1,540 17148	\$ 300	\$ 495
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## INDUSTRIAL RADIOGRAPHY

207.	Industrial Radiography	\$3,725 27733	\$ 300	\$2,630 17328
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## MEDICAL/VETERINARY

208A.	Broad Scope Medical/Veterinary Use	\$8,385 57529	\$ 300	\$2,870 2772
208B.	Medical/Veterinary Use Including	\$3,675 27835	\$ 300	\$1,275 924

## DEPARTMENT OF NUCLEAR SAFETY

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## Teletherapy and/or High Dose Rate Remote Afterloader

208C.	Medical/Veterinary Use	\$1,775 17189	\$ 300	\$ 528
208D.	Diagnostic Use Only	\$1,020 789	\$ 300	\$ 390 339
208E.	Limited Medical/Veterinary Use	\$ 920 728	\$ 300	\$ 410 388
208F.	Mobile Nuclear Medicine	\$2,360 17485	\$ 300	\$ 695 594

## REGISTRANT GENERAL LICENSES

209A.	General Licenses for Kits	\$ 170 188	\$ 300	N/A
209B.	Facilities with Generally Licensed Devices	\$ 350	\$ 300	N/A

## SOURCE MATERIAL

210A.	Possession and Use of Source Material and Byproduct Material (One-time Deposit of \$25,000)	Full Cost	\$ 300	Full Cost N/A
210B.	Possession and Use of Source Material (One-time Deposit of \$25,000)	Full Cost	\$ 300	Full Cost N/A

## WASTE DISPOSAL AND TREATMENT FACILITIES

211A.	Low-Level Radio-active Waste Disposal Facilities (One-time Deposit of \$25,000)	Full Cost	\$ 300	Full Cost N/A
211B.	Low-Level Radio-active Waste Treatment Facilities (One-time	Full Cost	\$ 300	Full Cost N/A

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF ADOPTED AMENDMENTS

Deposit of \$25,000)

211C. Centralized Low-Level Radioactive Waste Storage Facilities (One-time Deposit of \$25,000)

Full Cost \$300

Full Cost N/A

211D. Other Low-Level Radioactive Waste (One-time Deposit of \$25,000)

Full Cost \$300

Full Cost N/A

## OTHER

212A. Storage Only

\$1,425 475

\$ 420 176

212B. Possession Incident to Exempt Distribution

\$ 865 729

\$ 264

212C. Other (uses not specified elsewhere in this schedule)

\$ 885 613

\$ 220

212D. Reciprocity for Exhibition and Demonstration Only

\$ 175 150

N/A

212E. Sealed Source and Device Evaluation Maintenance Fee

\$ 325 200

N/A

(Source: Amended at 25 Ill. Reg. effective 8266 --)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Illinois Swimming Pool and Bathing Beach Code

2) Code Citation: 77 Ill. Adm. Code 820

3) Section Numbers: 820.300  
Adopted Action: Amendment

4) Statutory Authority: Implementing and authorized by the Swimming Pool and Bathing Beach Act [210 ILCS 125].

5) Effective Date of Amendment: July 1, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposed Rulemaking was Published in the Illinois Register: February 9, 2000 (25 Ill. Reg. 2288)

10) Has the Joint Committee on Administrative Rules issued a statement of objection to this Rulemaking? No

11) Difference between proposal and final version: Section 820.300(b) was revised to clarify that in addition to requirements specified in this subsection, lifeguards shall be provided at all pools, as defined in Section 820.10.

Section 820.300(b)(4)(A) was revised to specify that all areas of the pool must be visible to a lifeguard.

Various typographical, grammatical and technical changes were made in response to comments from the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreements issued by the Joint Committee? All changes agreed upon by the Department and the Joint Committee been made as indicated in the agreements issued by the Joint Committee.

13) Will the amendment replace emergency amendments currently in effect? No

14) Are there any other amendments Pending on this Part? No

15) Summary and Purpose of Amendment: The proposed amendments clarify that the requirements for lifeguards specified for all swimming pools also

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

apply to wave pools and waterslides. The amendments specify that, in addition to the requirement of 1 lifeguard per 100 bathers or 2,000 square feet of water surface area, a minimum of 3 lifeguards shall be present at wave pools.

16) Information and questions regarding this adopted amendment shall be directed to:

Paul Thompson  
Division of Legal Services  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761  
217/782-2043  
rules@idph.state.il.us

The full text of the adopted amendment begins on the next page:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER n: RECREATIONAL FACILITIES

## PART 820

## ILLINOIS SWIMMING POOL AND BATHING BEACH CODE

## SUBPART A: GENERAL

Section	
820.10	Definitions
820.20	Incorporated Materials

## SUBPART B: SWIMMING POOLS AND BATHING BEACHES

Section	
820.100	Permits
820.110	Water Supplies
820.120	Wastewater Disposal
820.130	Food Service Sanitation
820.140	Exemptions
820.150	Variances

## SUBPART C: SWIMMING POOL DESIGN REQUIREMENTS

Section	
820.200	General Design Requirements
820.210	Swimming Pool Water Treatment System
820.220	Swimming Pool Bather Preparation Facilities
820.230	Wading Pools
820.240	Spray Pools
820.250	Slides
820.260	New Equipment, Construction and Materials (Repealed)
820.270	Lazy Rivers

## SUBPART D: OPERATIONAL REQUIREMENTS

Section	
820.290	Applicability of Operation Requirements
820.300	Personnel
820.310	Safety Equipment
820.315	Notification
820.320	Water Quality
820.330	Swimming Pool Closing
820.340	Operation and Maintenance
820.350	Operation Reports and Routine Sampling
820.360	Patron Regulations
820.370	Swimming Suits and Towels Furnished by Management



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

820.380 Wading Pools, Spray Pools and Therapy Pools  
820.390 Refuse Disposal

## SUBPART E: BATHING BEACH DESIGN AND OPERATION

Section  
820.400 Minimum Sanitary Requirements for Bathing Beaches  
820.500 Minimum Sanitary Requirements for Bathing Beaches (Renumbered)

## APPENDIX A Illustrations

ILLUSTRATION A Slope of Pool Floor  
ILLUSTRATION B Pool Walls  
ILLUSTRATION C General Pool Diving Area Dimensions  
ILLUSTRATION D Pools with Diving Facilities in Excess of Three Meters in Height  
ILLUSTRATION E Slide Dimensions (Repealed)  
ILLUSTRATION F Slide Position (Repealed)  
ILLUSTRATION G Flow Meter Installation  
ILLUSTRATION H Skimmer Construction  
ILLUSTRATION I Installation of a Pressure Sand Filter System  
ILLUSTRATION J Installation of a Pressure Diatomaceous Earth Filter System  
ILLUSTRATION K Installation of a Vacuum Filter System  
ILLUSTRATION L Chlorine Injection into Return Line to Pool Using Pump Discharge Pressure  
ILLUSTRATION M Chlorine Injection into Return Line to Pool Using External Water Source Pressure (Repealed)  
ILLUSTRATION N Chlorine Injection into Return Line to Pool Using Booster Pump

## APPENDIX B Tables

TABLE A Dimensions of Swimming Pools with Diving Facilities in Excess of Three Meters in Height  
TABLE B First Aid Kit Contents  
TABLE C Flows Carried by Inlets  
TABLE D Sizing Swimming Pool Chlorinators  
TABLE E Shower, Lavatory and Toilet Fixtures Required Per Bather Load

AUTHORITY: Implementing and authorized by the Swimming Pool and Bathing Beach Act [210 ILCS 125].

SOURCE: Adopted October 22, 1974; amended and effective February 9, 1976; amended at 4 Ill. Reg. 46, p. 1283, effective November 5, 1980; amended at 5 Ill. Reg. 9593, effective September 16, 1981; rules repealed and new rules adopted at 5 Ill. Reg. 13623, effective December 2, 1981; amended and codified at 8 Ill. Reg. 12366, effective July 5, 1984; amended at 11 Ill. Reg. 12308, effective July 15, 1987; amended at 14 Ill. Reg. 786, effective January 1, 1990; amended at 20 Ill. Reg. 6971, effective May 25, 1996; emergency amendment at 21 Ill. Reg. 7536, effective May 28, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 9357, effective May 15, 1998; amended at 23 Ill. Reg.

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6079, effective May 20, 1999; emergency amendment at 23 Ill. Reg. 6551, effective May 20, 1999, for a maximum of 150 days; emergency expired October 16, 1999; amended at 24 Ill. Reg. 11271, effective July 15, 2000; amended at 25 Ill. Reg. 8291 --, effective July 15, 2001.

## SUBPART D: OPERATIONAL REQUIREMENTS

## Section 820.300 Personnel

- a) Manager/Operator. A pool manager/operator shall be designated and shall be responsible for the operation of the swimming pool facility in compliance with this Subpart.
- b) Lifeguards. Lifeguards shall be provided as specified below at all wave pools, and water slides. In addition, lifeguards shall be provided at all pools, as defined in Section 820.10, when persons under the age of 16 are allowed in the pool enclosure specified in Section 820.200(a) without supervision by a parent, guardian or other responsible person at least 16 years of age. At facilities where lifeguards are not provided, a sign shall be posted that states "This facility is not protected by lifeguards. Persons under the age of 16 must be accompanied by a parent, guardian or other responsible person at least 16 years of age. Swimming alone is not recommended."
- 1) Certification. Lifeguards shall be currently certified as such by the American Red Cross, the National Pool and Water Park Lifeguard Training Program, the YMCA, or another lifeguard certifying organization with an equivalent lifeguard certification program, as determined by the Department. Where the certification was issued with restrictions, the certification shall be appropriate for the duty to which the lifeguard is assigned.
- 2) Authority. Lifeguards shall have the authority to order any person who does not comply with the rules of the Department or those of the facility to leave the pool.
- 3) Identification. Lifeguards shall be dressed in swimming attire and be identified as a lifeguard. A copy of each lifeguard's certificate must be available for inspection at the facility.
- 4) Minimum number. At facilities where lifeguards are required, the following minimum number shall be on duty:
  - A) One lifeguard per 100 bathers or 2,000 square feet of water surface area, whichever will result in the lesser number. All areas of the pool must be visible to a lifeguard. At wave pools, in addition to satisfying the other criteria of this subsection (b)(4)(A), the number of lifeguards shall not be less than three. A lifeguard shall not simultaneously guard more than one pool unless the areas under surveillance can be continuously monitored with a clear unobstructed view and immediate assistance can be rendered if needed. At-wave pools-a minimum-of-one-lifeguard-per-2000-square-feet-of

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

water--surface--area--or--one--lifeguard--per--100--patrons7  
whichever--results--in--the--greater--number:

B) At water slides or drop slides, one lifeguard within 50 feet of the discharge point of the slide. Such lifeguards shall be responsible for guarding the plunge area for the slide and no other areas and shall be in voice or visual communication with the attendant or lifeguard at the top of the slide in order to facilitate safe use of the slide. One lifeguard may monitor up to three slides and no other areas if they are adjacent to and discharge to the same plunge area.

5) Lifeguards shall not be subject to duties that would distract their attention from proper observation of persons in the pool area, or that would prevent immediate assistance to persons in distress in the water.

c) Attendants. At least one attendant or lifeguard shall be on duty at the top of all water slides and drop slides when the slide is in operation in order to control the traffic of individuals using the slide. Attendants shall ensure that the slide is used in a safe and responsible manner. For multiple slides having a common starting platform, an attendant shall not be assigned to monitor more than two slides concurrently.

(Source: Amended at 25 Ill. Reg.

8291 --

, effective

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Manufactured Home Installer Course Accreditation Code
- 2) Code Citation: 77 Ill. Adm. Code 885
- 3) Section Numbers: Adopted Action:  
885.10 New Section  
885.20 New Section  
885.30 New Section  
885.40 New Section  
885.50 New Section

4) Statutory Authority: Implementing and authorized by the Illinois Manufactured Home Installers Act [430 ILCS 120]

5) Effective Date of Rules: June 25, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposed Rulemaking was Published in the Illinois Register: October 6, 2000 (24 Ill. Reg.14613)

10) Has the Joint Committee on Administrative Rules issued a Statement of Objection to this rulemaking? No

11) Difference between proposal and final version: Various typographical, grammatical and nonsubstantive technical changes were made in response to comments from the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the agency and the Joint Committee been made as indicated in the agreements issued by the Joint Committee? All changes agreed upon by the Department and the Joint Committee been made as indicated in the agreements issued by the Joint Committee.

13) Will these rules replace emergency rules currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules: This rulemaking will implement legislation creating the Illinois Manufactured Home Installers Act (430 ILCS 120). Under Section 15 of the Act, the Department is required to promulgate rules for the accreditation of courses for persons who install

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED RULES

manufactured homes in Illinois. Courses must provide instruction on installation of a manufactured home in accordance with the manufacturer's specifications and installer guidelines published by the Department. Accreditation criteria and minimum course curriculum for installer courses are specified in these rules.

- 16) Information and questions regarding these adopted rules shall be directed to:

Paul Thompson  
Division of Legal Services  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761  
(217) 782-2043  
(rules@idph.state.il.us)

The full text of the adopted rules begins on the next page:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED RULES

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER q: MOBILE HOMES

## PART 885

## MANUFACTURED HOME INSTALLER COURSE ACCREDITATION CODE

## Section

885.10	Definitions
885.20	Incorporated and Referenced Materials
885.30	Accreditation of Manufactured Home Installer Course
885.40	Responsibilities of Accredited Manufactured Home Installer Courses
885.50	Accredited Manufactured Home Installer Course Curriculum

AUTHORITY: Implemented and authorized by the Illinois Manufactured Home Installers Act [430 ILCS 120].

SOURCE: Adopted at 25 Ill. Reg. 8297, effective JUN 25 2001.

## Section 885.10 Definitions

"Act" means the Illinois Manufactured Home Installers Act [430 ILCS 120].

"Department" means the Illinois Department of Public Health.

"Training hour" means at least 50 minutes of actual teaching, including time devoted to lecture, learning activities, small group activities, demonstrations, evaluations and/or practical, hands-on instruction.

## Section 885.20 Incorporated and Referenced Materials

- a) Incorporations by Reference  
1) The following standards, regulations, and laws are incorporated in this Part:

## A) Regulations and guidelines of federal agencies:

Transportation of Natural and Other Gas by Pipeline:  
Minimum Federal Safety Standards (49 CFR 192)  
United States Department of Transportation, Office of Pipeline Safety  
400 7th Street, S.W.  
Washington, D.C. 20590

- B) Standards of nationally recognized organizations:



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National Fire Protection Association  
1 Batterymarch Park  
P.O. Box 9101  
Quincy, Massachusetts 02269-9101:

- i) National Electrical Code, 1999 Edition (NFPA 70-99)
  - ii) Installation of Oil Burning Equipment, 1997 Edition (NFPA 31-97)
  - iii) National Fuel Gas Code, 1996 Edition (NFPA 54-99)
  - iv) Liquefied Petroleum Gas Code, 1998 Edition (NFPA 58-98)
- 2) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.
- 3) All citations to federal regulations in this Part concern the specified regulation in the 1997 Code of Federal Regulations, unless another date is specified.
- b) Referenced Materials  
The following standards, regulations, and laws are referenced in this Part:
- 1) State of Illinois rules:
    - A) Manufactured Home Community Code (77 Ill. Adm. Code 860)
    - B) Illinois Manufactured Home Tiedown Code (77 Ill. Adm. Code 870)
    - C) Illinois Plumbing Code (77 Ill. Adm. Code 890)
  - 2) State of Illinois statutes:
    - A) Illinois Mobile Home Park Act [210 ILCS 115]
    - B) Illinois Mobile Home Tiedown Act [210 ILCS 120]
    - C) Illinois Plumbing License Law [225 ILCS 320]

## Section 885.30 Accreditation of Manufactured Home Installer Course

- a) An entity that offers or plans to offer a manufactured home installer course shall obtain Department accreditation for the course by submitting to the Department in writing the following information at least 60 days before the beginning of the course:
- 1) The name, address, telephone number, and contact person for the entity providing the course.
  - 2) The course location and written documentation that the course provides facilities for classroom and field hands-on training of sufficient size to accommodate the maximum enrollment of the course.
  - 3) Beginning and ending dates for the course.
  - 4) A course schedule and syllabus.
  - 5) Student and instructor manuals for the course.
  - 6) Documentation of a principal instructor who shall be responsible for the organization of the course and oversight of the teaching

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of all course material. Guest instructors may be utilized as needed to provide instruction specific to the lecture, hands-on activities, or work practice components of a course. The principal instructor shall have the following qualifications:

- A) at least two years of education in building construction technology; or
  - B) two years of experience in managing a training program specializing in the installation of manufactured homes.
- 7) A final examination for the course that includes criteria for pass/fail. The course must require at least 70% correct on the final examination as a passing score.
- 8) An example of the certificate of course completion that includes the following information:
- A) the name, address, and telephone number of the entity providing the course;
  - B) the name, dates of attendance at course, and indication of a passing grade for the student to whom the certificate is issued.
- b) The Department shall notify the course sponsor in writing whether the request for accreditation has been approved.
- c) For requests that are not approved, the Department's notification will include the reason for disapproval. The course sponsor may submit a revised request for accreditation in which items noted to be incomplete in the initial request are completed.
- d) The Department shall maintain and make available to the public a list of approved course sponsors.

## Section 885.40 Responsibilities of Accredited Manufactured Home Installer Courses

- a) The entity offering an accredited training course shall be responsible for maintaining training course records and making such records available to the Department as necessary.
- 1) Course records shall be retained at the address specified on the training program accreditation application, as modified, for a minimum of 3 years.
  - 2) The entity shall notify the Department in writing within 30 days:
    - A) after changing the address specified on the training course accreditation application; or
    - B) transferring records to a new address.
  - 3) The Department shall have the authority to enter, inspect and audit training facilities and to examine records to determine compliance with the Act and this Part.
- b) Training course records that shall be maintained include the following:
- 1) All documents that demonstrate the qualifications of the principal instructor, as specified in Section 885.30(a)(6).
  - 2) Current curriculum/course materials and documents reflecting any

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changes made to these materials.

- 3) A copy of the course final examination.
- 4) Results of the course final examination and a record of each certified installer's course completion.
- 5) Any other materials specified in Section 885.30 that have been submitted to the Department as part of the program approval.
- c) Within 30 days after course completion, entities offering accredited courses shall submit to the Department a list of installers completing a course.

## Section 885.50 Accredited Manufactured Home Installer Course Curriculum

Each accredited manufactured home installer course shall provide instruction on how to install a manufactured home to the specifications of the manufacturer, review the Guidelines for the Installation of Manufactured Homes published by the Department, and test the written and practical installation skills of the individual installer (Section 15 of the Act). Each course shall consist of at least 10 training hours that include the following topics:

- a) The installer's responsibility to obtain a copy of the home manufacturer's setup manual to ensure proper setup of the home in accordance with the home's warranty.
- b) The inspection of the proposed site of the home prior to setup to ensure proper location.
- c) Ensuring that the proposed site has drainage away from the home, vegetation cleared from under the home, and vapor barriers provided.
- d) Support of the home by a foundation system in accordance with the design loads of the home, the existing soil load bearing capacity of the home location, the Illinois Mobile Home Park Act, the Manufactured Home Community Code, and local authority requirements.
- e) Safety consideration for the setup of a home.
- f) Proper leveling of the home and placement of piers or foundation walls in accordance with the home manufacturer's specifications.
- g) Proper anchoring in accordance with the Illinois Mobile Home Tiedown Act and the Illinois Manufactured Home Tiedown Code.
- h) The installation of the plumbing for the home in accordance with the Illinois Plumbing License Law and the Illinois Plumbing Code.
- i) The installation of the electrical system for the home in compliance with the National Electrical Code.
- j) The installation of the gas or oil utilities for the home in compliance with the requirements of the Installation of Oil Burning Equipment, National Fuel Gas Code, Liquefied Petroleum Gas Code, and the Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards.

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## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Structural Pest Control Code

- 2) Code Citation: 77 Ill. Adm. Code 830

- 3) Section Numbers: Adopted Action:

830.10	Amendment
830.20	Amendment
830.100	Amendment
830.110	Amendment
830.120	Amendment
830.130	Amendment
830.140	Amendment
830.710	Amendment
830.880	Repeal
830.885	Repeal
830.890	Repeal
830.900	Repeal

- 4) Statutory Authority: Structural Pest Control Act (225 ILCS 235)

- 5) Effective Date of Amendments: June 25, 2001

- 6) Do these amendments contain an automatic repeal date? No

- 7) Do these amendments contain incorporations by reference? No

- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Date Notice of Proposed Rulemaking was Published in the Illinois Register: December 29, 2000 (24 Ill. Reg. 19002)

- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to these amendments? No

- 11) Difference Between Proposal and Final Version: Various typographical, grammatical and technical changes were made in response to comments from the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreements issued by the Joint Committee? No agreements were issued by the Joint Committee.

- 13) Will these amendments replace any Emergency Amendments currently in effect? No

- 14) Are there any other amendments pending on this Part? No

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15) Summary and Purpose of Amendments: The amendments will reduce the regulatory burden for individuals applying for licensing, registration or certification to engage in structural pest control. The amendments eliminate requirements for applicants to file duplicate copies of application forms, eliminate an examination reservation form, and reduce the application deadline from 30 to 15 days before the examination date. The amendments also eliminate the bird control requirements (Subpart H), which were put into place to protect wildlife, particularly endangered species, from the hazards associated with the use of pesticides containing the active ingredient Fenithion to control nuisance bird populations. Regulation of avicides used for nuisance bird control is no longer needed because registration, sale and use of the only bird control product containing Fenithion was canceled by the U.S. EPA on March 1, 1999.

16) Information and questions regarding these adopted amendments shall be directed to:

Paul Thompson  
Division of Legal Services  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761  
(217) 782-2043  
rules@idph.state.il.us

The full text of the adopted amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER 0: PEST CONTROL

## PART 830

## STRUCTURAL PEST CONTROL CODE

## SUBPART A: GENERAL

Section  
830.10 Definitions  
830.20 Referenced Materials

## SUBPART B: GENERAL REQUIREMENTS

Section  
830.100 License Application for Commercial Structural Pest Control Business Location  
830.110 Registration Application for Non-Commercial Structural Pest Control Location  
830.120 Application for Examination as a Certified Structural Pest Control Technician  
830.130 Re-examination Applications  
830.140 Application of Certified Technicians for Examination in Other Sub-categories  
830.150 Processing (Repealed)  
830.160 Approved Applications (Repealed)  
830.170 Disapproved Applications (Repealed)  
830.180 License and Registration Renewals  
830.190 Change of Business Ownership  
830.200 Certification Renewals  
830.210 Late Filing Charge  
830.220 Non-renewal of Technician Certificates  
830.230 Certified Technician at Each Location  
830.240 Change of Certified Technician at Place of Employment  
830.250 Certificates of Insurance  
830.260 Insurance Coverage  
830.270 Supervision of a Non-certified Technician  
830.280 Inspections and Investigations (Repealed)  
830.290 Classification of Pesticides  
830.300 Application for Certification in Illinois as a Structural Pest Control Technician by Reciprocity  
830.310 Display of License, Registration and Certification  
830.315 Procedures for Certification as a Structural Pest Control Technician in Wood Products Pest Control (Repealed)

## SUBPART C: EXAMINATIONS



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## Section

830.400 General Provisions  
 830.410 Examinations  
 830.420 Examination Schedules (Repealed)  
 830.430 Grades  
 830.440 Notification of Examination Results  
 830.450 Confidentiality of Examination Scores  
 830.460 Examinee's Review of Examination

## SUBPART D: PEST CONTROL COURSES

## Section

830.500 Application  
 830.510 Application (Repealed)  
 830.520 Instructors  
 830.530 Pest Control Course Description  
 830.540 Record of Completion  
 830.550 Pest Control Course Evaluation  
 830.560 Approval (Repealed)  
 830.570 Disapproval of an Application or Recision of Approval (Repealed)

## SUBPART E: PEST CONTROL TRAINING SEMINARS (RECERTIFICATION)

## Section

830.600 Application  
 830.610 Application (Repealed)  
 830.620 Instructors  
 830.630 Pest Control Seminars  
 830.640 Record of Completion  
 830.650 Pest Control Seminar Evaluation  
 830.660 Approval (Repealed)  
 830.670 Disapproval of an Application or Recision of Approval (Repealed)

## SUBPART F: HEARINGS AND ADMINISTRATIVE FINES

## Section

830.700 Hearings  
 830.710 Administrative Fines

## SUBPART G: SAFE PESTICIDE STORAGE AND HANDLING

## Section

830.800 General Safety Precautions  
 830.810 Misuse of Pesticides  
 830.820 Records  
 830.830 Pesticide Storage Area  
 830.840 Service Vehicles  
 830.850 Pesticide Storage Practices

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## Section

830.860 Orders to Stop Sale, Stop Use, Seize or Regulate Removal  
 830.870 Hazardous Incident Notification and Abatement

## SUBPART H: BIRD CONTROL REQUIREMENTS

## Section

830.880 Avicide Permit Requirements (Repealed)  
 830.885 Denial or Revocation of Avicide Permits (Repealed)  
 830.890 Bird Control Monitoring and Reporting Requirements (Repealed)  
 830.900 Bird Control Training Requirements (Repealed)

## SUBPART I: GROUNDWATER PROTECTION

## Section

830.1000 Scope and Applicability  
 830.1100 Protection of Potable Water Supplies

## ILLUSTRATION A Warning Sign-Pesticide Treatment &amp; Ventilation

## ILLUSTRATION B Restricted Use Pesticide Sign

## TABLE A Schedule of Administrative Fines

AUTHORITY: Implementing and authorized by the Structural Pest Control Act [225 ILCS 235], Illinois Pesticide Act [415 ILCS 60] and in particular Sections 3.2 and 14.6 of the Environmental Protection Act [415 ILCS 5/3.2 and 14.6].

SOURCE: Adopted at 2 Ill. Reg. 19, p. 159, effective May 3, 1978; codified at 8 Ill. Reg. 18492; emergency amendment at 10 Ill. Reg. 17812, effective September 28, 1986, for a maximum of 150 days; emergency amendment expired on February 24, 1987; amended at 11 Ill. Reg. 7736, effective April 15, 1987; amended at 13 Ill. Reg. 2090, effective February 3, 1989; emergency amendments at 14 Ill. Reg. 1036, effective December 22, 1989, for a maximum of 150 days; emergency amendment expired on May 21, 1990; amended at 14 Ill. Reg. 12889, effective August 1, 1990; amended at 16 Ill. Reg. 11612, effective July 6, 1992; amended at 18 Ill. Reg. 14404, effective September 15, 1994; amended at 21 Ill. Reg. 15010, effective November 10, 1997; amended at 23 Ill. Reg. 5620, effective May 1, 1999; amended at 25 Ill. Reg. ~~830.3~~, effective JUN 25 2001.

## SUBPART A: GENERAL

## Section 830.10 Definitions

In addition to the definitions contained in the Structural Pest Control Act [225 ILCS 235], the following definitions, when used herein, shall apply:

"Act" means the Structural Pest Control Act [225 ILCS 235].

"Active ingredient" means any ingredient which will prevent, destroy,

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repel, control or mitigate a pest.

"Applicant" means any person making an application for a license, registration, examination or certification.

"Avicide" means a pesticide used for bird control other than a device which is designed to kill birds when used in a manner consistent with its labeling.

"Back flow preventer or vacuum breaker device" means a device, approved by the Illinois Plumbing Code (77 Ill. Adm. Code 890) used to prevent backflow or backsiphonage of contaminated water or liquid into a water supply system.

"College or university course in related field" means three semester hours or four quarter hours of a college course in biological sciences, physics or chemistry.

"Community Water System" means a public water system which serves at least 15 service connections used by residents or regularly serves at least 25 residents for at least 60 days per year. (Section 9(a)(1) of the Illinois Groundwater Protection Act [415 ILCS 55/9(a)(1)])

"Crack and crevice treatment" means the application of small amounts of a pesticide directly into a crack, crevice, expansion joint, between different elements of construction, between equipment and floors, or into an opening that leads into voids such as hollow walls, equipment legs and bases, conduits, motor housings, junction or switch boxes, where insects may be present.

"Department" means the Illinois Department of Public Health.

"Existing storage unit" means a storage unit that was in operation or for which there was commencement of construction on or before the effective date of a regulated recharge regulation affecting the storage unit.

"FIFRA" means the Federal Insecticide, Fungicide and Rodenticide Act.

"File a renewal application" means the process of completing the renewal form and submitting it to the Department along with the applicable renewal fee as set forth in Section 9 of the Act and evidence either attached to the renewal form or on file with the Department which would indicate that the license, certification or registration renewal requirements of Sections 4(e) and 6 of the Act and Sections 830.180 and 830.200 of this Part have been met.

"Food area" means an area where food is handled, received, packaged,

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held, processed, prepared, or served.

"Groundwater" means underground water which occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure. (Section 3(g) of the Illinois Groundwater Protection Act [415 ILCS 55/3(g)])

"Insurance company authorized to transact business" means an insurance company which has been issued a Certificate of Authority by the Director of the Department of Insurance.

"Method" means any action or procedure used to determine the presence or absence of a pest.

"Pest control course" means an educational program which addresses the basic theoretical or practical knowledge of pesticides and their application, approved by the Department pursuant to Subpart D of this Part, and is equivalent to six months experience for original certification.

"Pest control specialist" means a person who has a degree from a recognized college or university in one or more fields related to structural pest control and/or pesticides or has a specialized area of interest pertaining to chemical manufacturing and/or research, chemistry, entomology, or environmental sanitation and engineering.

"Pest control training seminar" means a recertification training program which provides the technical and legal aspects of present structural pest control technology, approved by the Department pursuant to Subpart E of this Part.

"Potable" means generally fit for human consumption in accordance with accepted water supply principles and practices. (Section 3(h) of the Illinois Groundwater Protection Act [415 ILCS 55/3(h)])

"Private Water System" means any supply which provides water for drinking, culinary, and sanitary purposes and serves an owner-occupied single family dwelling. (Section 9(a)(5) of the Illinois Groundwater Protection Act [415 ILCS 55/9(a)(5)])

"Public Water System" means a system for the provision to the public of piped water for human consumption, if the system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year. The term "public water system" includes any collection, treatment, storage or distribution facilities under control of the operator of such system and used primarily in connection with such system and any collection or pretreatment storage facilities not under such control which are used

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*primarily in connection with such system.* (Section 9(a)(6) of the Illinois Groundwater Protection Act [415 ILCS 55/9(a)(6)])

"Purchasing group" means a purchaser of group insurance which group has registered with the Director of the Department of Insurance.

"Recognized college or university" means an educational institution which has been recognized or approved by the Board of Higher Education, or equivalent, in the State in which it is located; and/or an educational institution accredited by a regional accrediting association recognized by the Council on Post Secondary Accreditation. In either instance, the college or university must be authorized to confer a degree in the fields of Biological Sciences, Entomology, Zoology, or related fields.

*"Regulated Recharge Area" means a compact geographic area, as determined by the Illinois Pollution Control Board, the geology of which renders a potable resource groundwater particularly susceptible to contamination.* (Section 3(j) of the Illinois Groundwater Protection Act [415 ILCS 55/3(j)])

"Risk retention group" means an insurance company incorporated and licensed in one of the states of the United States and registered with the Director of the Department of Insurance.

"Secondary containment structure" means any structure used to contain liquid pesticides and prevent runoff or leaching into the groundwater.

"Service container" means any non-food container utilized to temporarily hold, store or transport a pesticide concentrate or registered ready-to-use product other than the original labeled container provided by the manufacturer, the measuring device or the application device.

"Setback zone" means a geographic area established under the Environmental Protection Act [415 ILCS 5] which, for the purposes of Subpart I of this Part, contains a potable water supply well and a storage unit, having a continuous boundary within which certain prohibitions or regulations for groundwater protection are applicable.

"Signal word" means a word or phrase found prominently displayed on the pesticide label which offers an indication of the toxicity and potential danger of a pesticide.

"Storage unit" means an area, structure, or any other mechanism used to store or accumulate pesticides for commercial application purposes.

"To use any registered pesticide in a manner inconsistent with its

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labeling" means to use any registered pesticide in a manner not permitted by the labeling, except that the term shall not include:

applying a pesticide at any dosage, concentration, or frequency less than that specified on the labeling, unless the labeling specifically prohibits deviation from the specified dosage, concentration or frequency;

applying a pesticide against any target pest not specified on the labeling if the application is to the crop, animal, or site specified on the labeling, unless the Administrator of the USEPA has required that the labeling specifically state that the pesticide may be used only for the pests specified on the labeling after the Administrator of the USEPA has determined that the use of the pesticide against other pests would cause unreasonable adverse effect on the environment;

employing any method of application not prohibited by the labeling unless the labeling specifically states that the product may be applied only by the methods specified on the labeling;

any use of a pesticide in conformance with Section 5, 18, or 24 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 USC 8-5-e; 136(ee)); or

any use of a pesticide in a manner that the Administrator of the USEPA determines to be consistent with the purpose of FIFRA.

"Treatment period" means the period of time necessary for a room or area to remain closed to unauthorized individuals in order to allow an effective treatment and subsequent drying or settling of the pesticide in accordance with label directions or, in their absence, manufacturer's recommendations.

"USEPA" means the United States Environmental Protection Agency.

"Water well" means any excavation, except a monitoring well, that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, diversion, artificial re-charge, or acquisition of groundwater.

"Work Site" means and includes any location at which pesticides are handled, mixed, stored, or applied.

(Source: Amended at 25 Ill. Reg. 8303, effective JUN 25 2001)



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## Section 830.20 Referenced Materials

The following State and federal laws and State rules are referenced in this Part:

- a) The following State laws are referenced in this Part:
  - 1) Illinois Pesticide Act [415 ILCS 60] (Sections 830.710 and, Section 830.860) and Section 830.860 and Section 830.860;
  - 2) Structural Pest Control Act [225 ILCS 235] (Section 830.10);
  - 3) Illinois Endangered Species Protection Act [520 ILCS 10] (Section 830.860);
  - 34) Illinois Groundwater Protection Act [415 ILCS 55] (Sections 830.10 and Section 830.1100);
  - 45) Environmental Protection Act [415 ILCS 5] (Sections 830.10, Section 830.1000 and Section 830.1100);
- b) The following State rules are referenced in this Part:
  - 1) Illinois Pesticide Act (8 Ill. Adm. Code 250) promulgated by the Illinois Department of Agriculture (Section 830.860);
  - 2) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) promulgated by the Illinois Department of Public Health (Section 830.700);
  - 3) Illinois Plumbing Code (77 Ill. Adm. Code 890) promulgated by the Illinois Department of Public Health (Section 830.800);
  - 4) Illinois Department of Public Health (Section 830.800);
  - 45) Existing Activities In A Setback Zone Or Regulated Recharge Area (35 Ill. Adm. Code 615) promulgated by the Illinois Pollution Control Board (Section 830.1000);
  - 56) New Activities In A Setback Zone Or Regulated Recharge Area (35 Ill. Adm. Code 616) promulgated by the Illinois Pollution Control Board (Section 830.1000);
  - 67) Minimal Hazard Certification (35 Ill. Adm. Code 670) promulgated by the Illinois Pollution Control Board (Section 830.1000);
  - 78) Cooperative Groundwater Protection Program (8 Ill. Adm. Code 257) promulgated by the Illinois Department of Agriculture (Section 830.1000).
- c) The following federal laws are referenced in this Part: 1) The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 USC 136 et seq.) also referred to as the Federal Environmental Pesticide Control Act of 1972 (Sections 830.10, Section 830.710 and Section 830.860);
  - 2) Migratory Bird Treaty Act (16 USC 703 et seq.) (Section 830.860);
- d) All incorporations by reference refer to the materials on the date specified and do not include any additions or deletions subsequent to the date specified.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## SUBPART B: GENERAL REQUIREMENTS

## Section 830.100 License Application for Commercial Structural Pest Control Business Location

- a) Any person who engages in commercial structural pest control at or from any commercial structural pest control business location in Illinois, or from a location outside the State and doing business within Illinois, shall be required to obtain a business license from the Department.
- b) To obtain a business license, an applicant must first meet the certification requirements of the Act and this Part and:
  - 1) Complete the structural pest control business license application (Form IL 482-0156) in duplicate;
  - 2) Obtain a certificate of insurance with general liability insurance coverage in accordance with Section 9 of the Act and Sections 830.250 and 830.260 of this Part;
  - 3) Pay the required license fee as specified in Section 9 of the Act and on the application; and
  - 4) Submit the above items to the Department.
- c) The license shall be available to any individual desiring to perform structural pest control services for hire who employs at least one Illinois certified structural pest control technician at the business location to oversee pest control activities which may include the use of general use pesticides (restricted use pesticides if qualified under Section 5B of the Act) as long as the requirements of the Act and this Part are met. All licenses shall be issued to the owner named in the application, and are not transferable or assignable.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 830.110 Registration Application for Non-Commercial Structural Pest Control Location

- a) Any person who engages in non-commercial structural pest control using restricted pesticides, at or from any non-commercial structural pest control location, shall be required to obtain a non-commercial structural pest control registration from the Department prior to the application of any restricted pesticide by said person or facility.
- b) To obtain a location registration, an applicant must first meet the restricted use certification requirements of the Act and this Part and:
  - 1) Complete the non-commercial structural pest control business application (Form IL 482-0157) in duplicate (Form IL 482-0159 if facility is state, federal or unit of local government);

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- 2) Pay any applicable registration fee in accordance with Section 9 and 22 of the Act; and
- 3) Submit the forms and applicable fees to the Department.
- c) The registration shall be available to any non-commercial structural pest control location where restricted pesticides will be utilized by Illinois structural pest control technicians employed at the location and certified (in accordance with the Act and this Part) by the Department to use restricted pesticides. All registrations shall be issued to the owner named in the application, and are not transferable or assignable.

(Source: Amended at 25 Ill. Reg. 8303--, effective JUN 25 2001)

#### Section 830.120 Application for Examination as a Certified Structural Pest Control Technician

- a) Any person who engages in commercial structural pest control is required to become certified by examination in accordance with Section 5 of the Act and this Section except that individuals who are not certified may work under the supervision of a certified technician who shall be responsible for their pesticide applications.
- b) Any person who engages in non-commercial structural pest control utilizing restricted-use pesticides is required to become certified by examination in accordance with Section 5 of the Act and this Section except that individuals who are not certified may work under the supervision of a certified technician who shall be responsible for their pesticide applications.
- c) Any applicant desiring to become certified to oversee pest control activities including the application of general use pesticides must:
- 1) Meet the certification requirements of Section 5A of the Act;
  - 2) complete the application for certification as a structural pest control technician - general use pesticides only (Form IL 482-0152) in duplicate;
  - 3) Pay the required examination fee as specified in Section 9 of the Act and on the application;
  - 4) Complete the green request-for-reservation-to-take-the-structural-pest-control-technician-certification-examination (Form-IL 482-0162)-The-General-Standards-category-is-the-only-box-that-should-be-marked-on-this-form;
  - 45) Submit the completed forms and fee to the Department so that they are received no later than 15 99 days prior to the examination date.
  - 56) Complete the examination requirements described in Subpart C of this Part.
- d) Any applicant desiring to oversee pest control activities, including the application of general and restricted use pesticides must:
- 1) Meet the requirements of Section 5B of the Act;

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- 2) Complete the application for certification as a structural pest control technician - restricted use pesticides (Form IL 482-0153) in duplicate;
- 3) Pay the required examination fee as specified in Sections 9 and 22 of the Act;
- 4) Complete the green request-for-reservation-to-take-the-structural-pest-control-technician-certification-examination (Form-IL 482-0162);
- 45) Submit the completed forms and applicable fee to the Department so that they are received no later than 15 99 days prior to the examination date.
- 56) Complete the examination requirements described in Subpart C of this Part.
- e) Any application for original certification or reexamination which is not acted upon by the applicant within one (1) year after of acceptance by the Department shall be declared null and void.

(Source: Amended at 25 Ill. Reg. 8303--, effective JUN 25 2001)

#### Section 830.130 Re-examination Applications

Any applicant who takes and fails to pass the general standards examination and/or any sub-category examination as established under Subpart C, may apply for re-examination in the general standards or any sub-category failed by filing an application for re-examination on forms provided by the Department. The completed application and required fee for re-examination (See Sections 9 and 22 of the Act) must be received by the Department no later than 15 99 days prior to the examination date.

(Source: Amended at 25 Ill. Reg. 8303--, effective JUN 25 2001)

#### Section 830.140 Application of Certified Technicians for Examination in Other Sub-categories

Any technician certified in the use of restricted pesticides (or general use pesticides and meeting the requirements of Section 5B of the Act) may apply for examination in any sub-category established in Subpart C for which the certified technician is qualified and has not previously been certified. The application shall be on forms prescribed by the Department and shall be filed with the Department so as to be received no later than 15 99 days prior to the examination date. All applications shall be accompanied by the required fee for examination (see Sections 9 and 22 of the Act).

(Source: Amended at 25 Ill. Reg. 8303--, effective JUN 25 2001)

## DEPARTMENT OF PUBLIC HEALTH

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## Section 830.710 Administrative Fines

a) The Department is authorized to assess administrative civil fines against a licensee, registrant or certified technician for violations of the Act or this Part. These fines may be assessed in addition to, or in lieu of, license, registration, or certification suspensions and revocations.

b) The amount of a fine shall be determined in accordance with the Schedule of Administrative Civil Fines in Section 830.710 Table A and the following criteria:

- 1) A violation, for the purposes of this Section, will be considered to mean a finding of violation of a Section of the Act or this Part by a court of competent jurisdiction in this or any other state, or by the Director in a Final Order issued pursuant to the Act, or by a notice of warning issued in accordance with Section 14 of the Act;
- 2) For purposes of determining a second violation, an initial violation means the first violation of a particular Section of the Act or this Part within the previous three years or since the effective date of this amendment, whichever is less;
- 3) Each location shall be considered separately with regard to violation determinations under this Part;
- 4) A Type A violation is any one of the following:
  - A) Failure to observe the general safety precautions of Section 830.800.
  - B) Failure to abide by any stop sale or stop use order issued under Section 830.860.
  - C) Failure to notify the Department of any incident or accident involving pesticides as required in Section 830.870.
  - D) Use of a pesticide in a manner inconsistent with its labeling directions (Section 830.810).
  - E) Performing a pesticide application or inspection in a faulty, careless, or negligent manner (Section 13(d) of the Act).
  - F) Performing structural pest control in violation of the license and registration requirements of Section 4(a) or 4(b) of the Act.
  - G) Performing structural pest control in violation of the certification requirements of Section 4(c) and 5 of the Act and Sections 830.230 and 830.270.
  - H) Performing structural pest control in violation of an order issued by the Director or his authorized representative (Sections 10(f), 13(a) and 14 of the Act).
  - I) Failure to use methods or materials suitable for structural pest control (Section 13(c) of the Act).
  - J) Performing structural pest control utilizing or authorizing the use or sale of pesticides which are in violation of the FIFRA or the Illinois Pesticide Act (Section 13(1) of the

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## Act).

K) Performing--avicide--applications--in--violation-of--Sections 830-860-through-830-8997

5) A Type B violation is any one of the following:

- A) Failure to cease pest control operations when there is an interruption in insurance coverage (Section 830.260(d)).
  - B) Making or reporting false, misleading or fraudulent information (Section 13(c) of the Act).
  - C) Fraudulent advertisements or solicitations relating to structural pest control (Section 13(f) of the Act).
  - D) Allowing a license, permit, registration or certification to be used by another person (Section 4(f) and 6 of the Act).
  - E) Using the certification of a structural pest control technician in order to secure or maintain a license or registration when that individual is not actively employed at the business location (Section 6 of the Act).
  - F) Aiding or abetting a person to evade any provision of this Act (Section 13(g) of the Act).
  - G) Impersonating any federal, State, county or city official (Section 13(h) of the Act).
  - H) Failure to allow the Department to perform inspections and investigations in accordance with Section 10(g) and (h) of the Act;
- 6) A Type C violation is any one of the following:
- A) Failure to observe the pesticide storage requirements of Section 830.830.
  - B) Failure to observe the service vehicle requirements of Section 830.840.
  - C) Failure to observe the pesticide storage practices of Section 830.850.
  - D) Failure to establish and maintain insurance in accordance with Section 9 of the Act and Sections 830.250 and 830.260 excluding subsection (b)(5)(A) of this Section.
  - E) Failure to establish and maintain records of pesticide applications in accordance with Section 830.820.
  - F) Failure of a licensee or registrant to provide written notification to the Department concerning the loss of their only certified technician and subsequent shutdown in accordance with Section 8 of the Act and Section 830.240(b).
  - G) Failure of a certified technician to provide written notification to the Department in accordance with Section 830.240(a).
  - H) Failure to renew a license or registration in accordance with Section 4(e) of the Act and Section 830.180.
  - I) Failure to renew a structural pest control technician certification in accordance with Section 6 of the Act and Section 830.200.
  - J) Failure to notify the Department of a change in business



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ownership in accordance with Section 830.190.

K) Failure to perform the notification and license replacement procedures in accordance with Section 4(d) of the Act when there is a change in business location.

L) Failure to provide information to the Department upon request in accordance with Section 13(e) of the Act.

M) Failure to display or provide a current license, registration and certification in accordance with Section 830.310.

N) Failure to observe the groundwater protection requirements in accordance with Subpart I of this Part.

c) Any penalty not paid within 60 days after notice from the Department shall be submitted to the Attorney General's Office for collection. Failure to pay a penalty shall also be grounds for suspension or revocation of a license, permit, registration and certification.

(Source: Amended at 25 Ill. Reg. 8303, effective

Jan 25 2001)

## SUBPART H: BIRD CONTROL REQUIREMENTS

## Section 830.880 Avicide Permit Requirements (Repealed)

a) Other than 20,25-diazacholastenoil, restricted uses of 4-aminopyridine and restricted uses of 3-chloro-p-toluidine hydrochloride, the use of restricted or general use avicides for the control of any number of pigeons or starlings or house sparrows in flocks over 500, or any number of other birds is prohibited unless such avicide is applied by a commercial structural pest control licensee or by a noncommercial structural pest control location having an Avicide Permit (Form IB #482-0722) obtained as described in this Subpart except for such avicide use for pest bird control by a non-commercial structural pest control location engaged in the production, protection, care, storage or transportation of agricultural commodities or already regulated by the Illinois Pesticide Act.

b) Restricted avicides must be used or their use supervised on-site, by a person certified in the subcategory of bird control.

c) To request an Avicide Permit, a person shall apply on a form (Form IB #482-0722) prepared and supplied by the Illinois Department of Public Health, at least fourteen (14) days before the proposed use of pesticides for the control of pest birds. The Avicide Permit Application Form (Form IB #482-0722) shall contain the following information:

i) Applicant information including the applicant or company name, license number, if applicable, address, city, state, zip code, telephone number, the name of the supervising technician as required in Section 830.880-(g)(2), the technician's certificate number, if applicable, and telephone number.

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2) Site information including the name of the site, name of a contact person located at the site, street address or lot number, city, state, zip code, county or township, range, section, or directions to the site (i.e., subdivision lot number, highway number, secondary roads, signs to follow, etc.) of the proposed bird control operation. Instead of a description of the location a map of the bird control operation site may be attached to the application.

3) Bird survey information including the target bird species and estimated population of each target species. Describe or attach a diagram of the observed feeding, watering, roosting, and loafing sites of the target species. Note if the target pest bird is within or outside of a structure and if the structure is enclosed or open. List observed non-target bird species that are associated with, or are using, the same feeding, watering, roosting or loafing areas as the target birds.

A) Describe what problem the birds are causing that requires control. List the brand name of the avicide, EPA registration number, chemical name, and percent as listed under active ingredients on the label. Estimate the amount of the product that will be used in units of measurement as applied. Give the estimated beginning and ending dates of the program as well as the schedule of frequency of application of the avicide.

B) Explain what non-avicide methods are being used. If non-avicide methods are not being used, provide an explanation. Explain how by whom and on what schedule the carcasses of killed birds will be retrieved from the control site and surrounding area.

d) A person shall obtain a separate Avicide Permit (Form IB #482-0722) for each structure for which bird control is needed except that multiple structures on the same or contiguous pieces of property require only one Avicide Permit.

e) In compliance with Section 11(b) of the Endangered Species Protection Act (111 Rev. Stat. 1991, ch. 87, par. 341(b)), the Department shall submit a copy of the Avicide Permit application to the Illinois Department of Conservation for a 14-day comment period. The Department shall take the Illinois Department of Conservation comments into consideration when it places time, space, volume, coverager concentration or other special restrictions on the Avicide Permit to reduce the risk to non-target and Illinois endangered or threatened species as listed in 17 Ill. Adm. Code 1010.

f) The Department shall assign an expiration date to the Avicide Permit based on the time required to complete the control of pest birds, that will not exceed one year from the date of issuance. The applicant may request an earlier expiration date. The permit holder's use of avicides that require a permit or notification shall stop on the current expiration date of the permit unless a new Avicide Permit is

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- issued by the Department:
- g) Upon receipt of a completed application, the Department shall issue the Avicide Permit to the applicant if:
- 1) The Avicide Permit applicant is currently a licensed commercial structural pest control business or is a non-commercial structural pest control location as defined in Section 3-13 of the Act, proposing to use avicides at such locations; and,
  - 2) The Avicide Permit applicant employs at least:
    - A) One person certified in the sub-category of Bird Control who shall supervise at the work site the use of any restricted or non-restricted or general use avicide; or
    - B) One person who has successfully completed a Bird Control training seminar as described in Section 830-990 of this Part who shall supervise at the work site only the use of non-restricted or general use avicides; and
  - 3) The proposed bird control program does not pose undue risks to health, property or non-target wildlife; such risks determined by the health benefits, the behaviors of the likely non-target predator and its prey, the proposed amount of pesticide, the intrinsic toxicity of the pesticide, the risk of exposure to the pesticide and other relevant health and environmental factors as each case requires.
- h) The Department shall send a copy of the Avicide Permit to the Illinois Department of Conservation when it is issued to the applicant.
- i) A new permit must be applied for if:
- 1) The target flock moves to a location other than as described on the permit or increases in number by 50% or more;
  - 2) The amount of avicide needed exceeds the estimate on the permit by 20% or more; or
  - 3) Any other changes from the original permit occur other than a decrease in the number of the target flock or a decrease in the amount of avicide used.

(Source: Repealed at 25 Ill. Reg. \_\_\_\_\_, effective JUN 25 2007)

## Section 830.885 Denial or Revocation of Avicide Permits (Repealed)

- a) The Department may deny or revoke an Avicide Permit or Avicide Permit application:
- 1) For failure to meet any of the requirements for granting the permit as specified in 030-980(g) of this Part; or
  - 2) For failure to conduct the bird control program in accordance with the information furnished on the Avicide Permit application (Form IB-#482-0722) as described in Section 030-990 of this Part; or
  - 3) For knowingly providing false or inaccurate information on the Avicide Permit application or

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- 4) For failure to abide by any special restrictions placed on the Avicide Permit under Section 030-988(e) of this Part; or
  - 5) For failure to use suitable effective non-avicide bird control measures such as devices or procedures including, but not limited to netting, chemical or mechanical perch repellents, shooting, trapping or electrocution; or
  - 6) For failure to select and use avicides according to label directions; or
  - 7) For failure to ensure the effective collection of dead or dying birds; or
  - 8) For failure to monitor and record target and non-target birds and animals killed as required in Section 030-990 of this Part; or
  - 9) For failure to submit a Target and Non-Target Bird Census (Form IB-#482-0723) as required by Section 030-990 of this Part; or
  - 10) For failure to abide by other conditions of the Act or this Section that apply to the structural pest control operations being conducted; or
  - 11) At the recommendation of the Interagency Committee on Pesticides acting under Section 19 of the Illinois Pesticide Act (Ill. Rev. Stat. 1991 ch. 57 par. 019, as amended); or
  - 12) After any illness or death of any hawk or owl (Order Paconiformes or Strigiformes) or animal listed as endangered or threatened in 17 Ill. Adm. Code 1010 as a result of permitted structural pest control for pest birds as determined by autopsy and toxicological analysis arranged for by the Department according to Section 030-990(c) or other reasonable evidence.
- b) Before revoking an Avicide Permit or denying a permit when a completed application has been received, the Department shall notify the permit holder or applicant in writing and provide such person with an opportunity for an administrative hearing as described in Section 15 of the Act.

(Source: Repealed at 25 Ill. Reg. \_\_\_\_\_, effective JUN 25 2007)

## Section 830.890 Bird Control Monitoring and Reporting Requirements (Repealed)

- a) The Avicide Permit holder shall retrieve, identify, accurately estimate the number of and dispose of according to label directions visible target pest birds killed as a result of the structural pest control activities of the Avicide Permit holder unless the Department has directed the permit holder in writing to hold them for examination by the Department.
- b) In compliance with the Migratory Bird Treaty Act, the Avicide Permit holder shall immediately notify the Department of, or turn over to the Department, all raptors (Order Paconiformes or Strigiformes) that are found dead or appear ill within 20 miles of the control site for the time that the permit is in effect plus two weeks. The Department



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shall be notified by the permit holder of all other known deaths of non-target birds and animals during the permit period within a mile of the control site in order to be in compliance with Section 030-070 and 030-090(d) of this Part;

e) When possible, the Department will determine if a killed raptor from the area of a bird control operation died as a result of the bird control operation by arranging for autopsy and toxicological analysis by a State or Federal laboratory. The Department shall send these test results to the Avicide Permit holder, the Illinois Department of Conservation, and the U.S. Fish and Wildlife Service.

d) Prior to the expiration of the Avicide Permit, the Avicide Permit holder shall submit a completed Target and Non-Target Bird Census form (Perm-15-402-0723) to the Department that lists the location, species number, and dates that birds or animals that were collected or found in accordance with subsection (a) and subsection (b) above.

(Source: Repealed at 25 Ill. Reg.

**8303**

effective  
JUN 25 2001)

## Section 830.900 Bird Control Training Requirements (Repealed)

a) In order to successfully complete a Bird Control Training Seminar, the participant must correctly answer at least 70% of the questions on a test administered by the Department at a Bird Control Training Seminar. The test may be retaken without attending the Bird Control Training Seminar only by previous Bird Control Training Seminar participants by appointment with the Department.

b) A Bird Control Training Seminar shall meet all the requirements of Sections 030-600 of this Part.

c) A Bird Control Training Seminar shall meet all the requirements of Section 030-620 and Section 030-650 of this Part.

d) A Bird Control Training Seminar shall meet all the requirements of Section 030-630 of this Part, except that

1) At a minimum, the Bird Control Training Seminar shall cover the relationship to bird control of the subjects described in Section 030-530(e) of this Part, and

2) The Bird Control Training Seminar shall last a minimum of 4 classroom contact hours with an additional one (1) hour set aside for a Department-administered test as required in subsection (a) above.

e) The Sponsor of a Bird Control Seminar shall comply with all the provisions of Section 030-640 of this Part.

**8303**

(Source: Repealed at 25 Ill. Reg. effective  
JUN 25 2001)

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1) Heading of the Part: Automobile Renting Occupation Tax

2) Code Citation: 86 Ill. Adm. Code 180

3) Section Numbers: Adopted Action:  
180.125 Amendment  
180.135 Amendment

4) Statutory Authority: 35 ICS 155

5) Effective Date of Amendments: June 22, 2001

6) Do these amendments contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: January 19, 2001, 25 Ill. Reg. 792

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking makes technical corrections and includes provisions that allow a rentor to provide the rentee's Retailers' Occupation Tax registration number, among other required information, in order to document that an auto rental transaction is an exempt rental for re-rental.

16) Information and questions regarding these adopted amendments shall be directed to:

Jerilynn Gorden  
Senior Counsel, Sales & Excise Taxes  
Illinois Department of Revenue



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Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
(217) 782-6996

The full text of the adopted amendments begins on the next page:

## DEPARTMENT OF REVENUE

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TITLE 86: REVENUE /  
CHAPTER I: DEPARTMENT OF REVENUE

## PART 180

## AUTOMOBILE RENTING OCCUPATION TAX

## SUBPART A: NATURE OF THE TAX

## Section

180.101 Character And Rate Of The Tax  
180.105 Responsibility Of Trustees, Receivers, Executors Or Administrators  
180.110 Occasional Rental Transactions  
180.115 Habitual Rental Transactions

SUBPART B: GROSS RECEIPTS, AUTHORIZED DEDUCTIONS  
AND NONTAXABLE TRANSACTIONS

## Section

180.120 The Meaning of Gross Receipts  
180.125 Authorized Deductions from Gross Receipts  
180.130 Nontaxable Transactions  
180.135 Rentals for Re-rental

## SUBPART C: RETURNS

## Section

180.140 Monthly Tax Returns--When Due--Contents

## SUBPART D: INCORPORATION BY REFERENCE

## Section

180.145 Incorporation of Certain Retailers' Occupation Tax Regulations

AUTHORITY: Implementing the Automobile Renting Occupation and Use Tax Act [35 ILCS 155] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25]

SOURCE: Adopted and codified at 7 Ill. Reg. 9397, effective July 25, 1983; amended at 13 Ill. Reg. 9332, effective June 6, 1989; amended at 16 Ill. Reg. 4859, effective March 12, 1992; amended at 24 Ill. ~~8992~~ **92063**, effective July 28, 2000; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

JUN 22 2001

SUBPART B: GROSS RECEIPTS, AUTHORIZED DEDUCTIONS  
AND NON-TAXABLE TRANSACTIONS

Section 180.125 Authorized Deductions from Gross Receipts

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a) "Gross receipts" on which the Automobile Renting Occupation Tax must be computed do not include receipts from the following separately stated charges added to renters' billings:

- 1) charges added on account of the renter's duty to collect the Automobile Renting Use Tax from renters or passed on because of the renter's liability under the Automobile Renting Occupation Tax or passed on because of the renter's liability under Municipal, County, Regional Transportation Authority or Metro East Mass Transit District Automobile Renting Occupation Taxes;
- 2) receipts from renters in consideration of waivers of claims for loss or damage to automobiles rented;
- 3) receipts from separately stated charges for insurance;
- 4) receipts from separately stated charges for recovery of refueling costs;
- 5) receipts from any other separately stated charges which are not for the use of tangible personal property.

b) "Effective July 20, 1999, "gross receipts" does not include receipts received by an automobile dealer from a manufacturer or service contract provider for the use of an automobile by a person while that person's automobile is being repaired by that automobile dealer and the repair is made pursuant to a manufacturer's warranty or a service contract where a manufacturer or service contract provider reimburses that automobile dealer pursuant to a manufacturer's warranty or a service contract and the reimbursement is merely made to recover the costs of operating the automobile as a loaner vehicle. [35 ILCS 155/2]

- 1) For example, an automobile dealer makes repairs for an automobile owner under the terms of a manufacturer's warranty. The manufacturer's warranty provides that the manufacturer will provide the owner with another automobile to drive while the owner's automobile is being repaired. Pursuant to the terms of an agreement between the manufacturer and the dealer, the dealer provides the owner with a replacement automobile either from its sales inventory or from its rental inventory. In exchange, the manufacturer compensates the dealer for that replacement automobile. However, under the terms of the agreement between the manufacturer and the dealer, that compensation is limited to an amount intended only to reimburse the dealer for the dealer's costs of operating the replacement automobile as a loaner vehicle. Compensation paid to a dealer by a manufacturer or service contract provider under these circumstances that merely reimburses the dealer for his cost of operating the replacement automobile as a loaner vehicle is not subject to the tax. However, if the dealer charges a customer amounts that exceed the compensation paid to him by the manufacturer or service contract provider as reimbursement for the cost of operating the replacement vehicle as a loaner vehicle, the excess receipts are subject to the tax.

A) Costs of operating the replacement automobile as a loaner

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vehicle may include the cost of paperwork to issue the loaner vehicle or to receive reimbursement from the manufacturer; time needed by the dealership employee to fill out the paperwork; preparing the loaner; giving keys to the customer; instructing the customer on use and when to return the loaner; depreciation of the loaner vehicle; cost of insurance on the loaner vehicle; needed time and materials used to clean the loaner vehicle when returned; and fueling and servicing the loaner vehicle.

B) In order to exclude receipts from a manufacturer or service contract provider that merely reimburse him for his costs of operating the replacement automobile as a loaner vehicle, a dealer must maintain books and records documenting such costs.

2) Sometimes, the dealer does not provide the owner with a replacement automobile from its own inventory. Rather, the automobile dealer rents an automobile from a separate automobile renter and then provides that automobile to the owner whose automobile is being repaired pursuant to the manufacturer's warranty. In this situation, the dealer's rental from the automobile renter is a non-taxable rental so long as all the requirements of Section 180.135 of this Part are satisfied. The dealer's subsequent provision of an automobile to the owner is non-taxable so long as the requirements of this subsection (b) are satisfied.

3) If an owner rents an automobile from an automobile renter that is not the dealer making the repairs to his automobile, the exclusion set out in this subsection (b) is not available. In addition:

- A) The exclusion does not apply even though the dealer reimburses the owner for the rental.
- B) The exclusion does not apply even though the automobile renter is a separate entity related to the automobile dealer. For example, if one person operates an automobile dealership as one corporation and an automobile rental business as a separate corporation, the procedure set out in subsection (b)(2) must be followed in order for the exclusion to apply.

(Source: Amended at 25 Ill. Reg. 8323, effective

11/11/2000)

## Section 180.135 Rentals for Re-rental

- a) Rental receipts from rental transactions under lease terms of one year or less in which the rentee will act as a sub-rentor by re-renting the automobile to a sub-rentee under lease terms of one year or less are exempt from the Automobile Renting Occupation Tax.

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b) In order to document that an auto rental transaction is an exempt rental for re-rental, the renter must have among his records a Certificate of Automobile Re-rental from the rentee (sub-rentor) which contains the following information:

- 1) a ta short statement by the rentee that the automobile is being rented for the purpose of re-renting it to others (sub-rentees) under lease terms of one year or less;
- 2) the renter's name and address;
- 3) the rentee's name and address;
- 4) the rentee's signature and date of signing;
- 5) the Vehicle Identification Number(s) of the automobile(s) rented for re-rental;
- 6) the rentee's Automobile Renting Occupation Tax or Retailers' Occupation Tax registration number issued by the Illinois Department of Revenue.

A) However, in the case of an out-of-State rentee (sub-rentor) who is not required to be so registered in Illinois, a certification that he will always re-rent and deliver the automobile(s) to his sub-rentee(s) outside Illinois pursuant to a rental agreement entered into outside Illinois may be provided in lieu of an Illinois Automobile Renting Occupation Tax registration number.

B) Except in the case of an out-of-State rentee (sub-rentor) not required to be registered who will re-rent and deliver outside Illinois, no rental shall be made tax-free on the ground of being a rental for re-rental unless the rentee (sub-rentor) has an active registration number from the Department and furnishes that number to the rentor as part of the Certificate of Automobile Re-rental.

c) If all of the automobiles rented under lease terms of one year or less to a particular rentee will be re-rented by that rentee (sub-rentor) to others (sub-rentees) under lease terms of one year or less, the rentor may take a blanket Certificate of Automobile Re-rental from that rentee (sub-rentor). Where a blanket Certificate of Automobile Re-rental is accepted, the rentor must maintain a record of all automobiles by Vehicle Identification Number rented tax-free on the basis of that blanket Certificate of Automobile Re-rental.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective

8323 --

4/11/22/2007

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- 1) Heading of the Part: Automobile Renting Use, Tax
- 2) Code Citation: 86 Ill. Adm. Code 190
- 3) Section Numbers: Adopted Action:  
190.130 Amendment
- 4) Statutory Authority: 35 ILCS 155
- 5) Effective Date of Amendment: June 22, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 23, 2001, 25 Ill. Reg. 4180
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: This rulemaking is in response to Public Act 87-876. Public Act 87-876 amended the Use Tax Act by disallowing the 3-month prior use exemption for tangible personal property that must be titled or registered with the State of Illinois or whose registration with the United States Government must be filed with the State of Illinois, that a business has bought outside of Illinois and used outside Illinois in the operation of the business for at least 3 months before moving the used property to Illinois. These provisions are incorporated by reference into the Automobile Renting Occupation and Use Tax Act. As a result, Section 190.130 was amended by removing the exemption from tax for the use, by a business that operated in another state and moved to Illinois, of an automobile which the business rented outside Illinois under lease terms of one year or less and used outside Illinois in the operation of



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such business for at least three months before moving that rented automobile to Illinois for use.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Jerilynn Gorden  
Senior Counsel, Sales & Excise Taxes  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
Phone: (217) 782-6996

The full text of the adopted amendment begins on the next page:

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TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUE

PART 190  
AUTOMOBILE RENTING USE TAX

## SUBPART A: NATURE OF THE TAX

Section	Description, Rate and Base of the Tax
190.101	Relation of Automobile Renting Use Tax to Automobile Renting
190.105	Occupation Tax
190.110	Collection of the Tax from Rentees by Automobile Rentors Maintaining a Place of Business in This State
190.115	Accounting for the Tax
190.120	How to Avoid Paying Tax on Automobile Renting Use Tax Collected from the Rentee

SUBPART B: EXEMPT AUTO RENTING USES AND AUTO  
RENTES NOT SUBJECT TO THE TAX

Section	Exemptions to Avoid Multi-State Transactions
190.125	Non-Resident Exemptions
190.130	Meaning of "Rented Outside This State"
190.135	Exempt Rentees
190.140	

## SUBPART C: RECEIPT FOR THE TAX

Section	Receipt
190.145	

SUBPART D: INFORMATION CONCERNING PAYMENT OF  
THE AUTOMOBILE RENTING USE TAX

Section	How the Tax is Paid
190.150	Procedure to Obtain Letter Ruling Documenting Exemption
190.155	

## SUBPART E: REGISTRATION OF OUT-OF-STATE RENTORS

Section	When Out-of-State Rentors Must Register to Collect Automobile Renting Use Tax
190.160	Voluntary Registration by Out-of-State Rentors
190.165	

## SUBPART F: RENTORS' RETURNS

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Section  
190.170

When and Where to File

## SUBPART G: INCORPORATION BY REFERENCE

Section  
190.175

Incorporation of Certain Sections of 86 Ill. Adm. Code

**AUTHORITY:** Implementing the Automobile Renting Occupation and Use Tax Act [35 ILCS 155] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

**SOURCE:** Adopted at 9 Ill. Reg. 13098, effective August 12, 1985; amended at 16 Ill. Reg. 4867, effective March 12, 1992; amended at 25 Ill. Reg. 8329-2, effective JUN 22 2003.

SUBPART B: EXEMPT AUTO RENTING USES AND AUTO  
RENTES NOT SUBJECT TO THE TAX

## Section 190.130 Non-Resident Exemptions

a) The Automobile Renting Use Tax does not apply to the use, in this State, of an automobile rented outside this State by a non-resident individual who then brings that automobile to this State for use here if that individual has used the rented automobile outside this State at least three months before bringing the rented automobile to this State.

b) Where a business that is not operated in Illinois but which does operate in another state, is moved to Illinois or opens an office plant or other business facility in Illinois, such business shall not be taxed on its use in Illinois of an automobile which the business rented outside Illinois under lease terms of one year or less and used outside Illinois in the operation of such business for at least three months before moving that rented automobile to Illinois for use here.

(Source: Amended at 25 Ill. Reg. 8329-2, effective JUN 22 2003)

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- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Numbers: Adopted Action:  
100.9720 New Section
- 4) Statutory Authority: 35 ILCS 5/1401
- 5) Effective Date of Amendment: June 22, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 3/2/01, 25 Ill. Reg. 3211
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect?  
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: This rulemaking provides guidance on when Illinois is prohibited from imposing its income tax on a nonresident taxpayer by federal Public Law 86-272 or by specific Illinois statutory provisions. The rulemaking on Public Law 86-272 is based on a report by the Multistate Tax Commission on the application of that law.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Paul Caselton  
Deputy General Counsel - Income Tax  
Illinois Department of Revenue

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Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
(217) 782-7055

The full text of the adopted amendment begins on the next page:

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NOTICE OF ADOPTED AMENDMENT  
TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUE  
PART 100  
INCOME TAX  
SUBPART A: TAX IMPOSED

Section  
100.2000  
100.2050

Introduction  
Net Income (IITA Section 202)

SUBPART B: CREDITS

Section  
100.2100

Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))

100.2101 Replacement Tax Investment Credit (IITA 201(e))

100.2110 Investment Credit; Enterprise Zone (IITA 201(f))

100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))

100.2130 Investment Credit; High Impact Business (IITA 201(h))

100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))

100.2150 Training Expense Credit (IITA 201(j))

100.2160 Research and Development Credit (IITA 201(k))

100.2165 Education Expense Credit (IITA 201(m))

100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)

100.2180 Credit for Residential Real Property Taxes (IITA 208)

100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS  
OCCURRING PRIOR TO DECEMBER 31, 1986

Section  
100.2200

Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Scope

100.2210

Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Definitions

100.2220

Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Current Net Operating Losses; Offsets Between Members

100.2230

Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Carrybacks and Carryforwards



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- 100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Effect of Combined Net Operating Loss in Computing Illinois Base Income
- 100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS OCCURRING ON OR AFTER  
DECEMBER 31, 1986

- Section  
100.2300 Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986
- 100.2310 Computation of the Illinois Net Loss Deduction
- 100.2320 Determination of the Amount of Illinois Net Loss Carryovers
- 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring on or After December 31, 1986
- 100.2340 Illinois Net Loss Deductions of Corporations That are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
- 100.2350 Illinois Net Loss Deductions of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS,  
CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

- Section  
100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
- 100.2480 Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))

## SUBPART F: BASE INCOME OF INDIVIDUALS

- Section  
100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))
- 100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

## SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section

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- 100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity (Repealed)

SUBPART I: GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF  
BASE INCOME

- Section  
100.3000 Terms Used in Article 3 (IITA Section 301)
- 100.3010 Business and Nonbusiness Income (IITA Section 301)
- 100.3020 Resident (IITA Section 301)

## SUBPART J: COMPENSATION PAID TO NONRESIDENTS

- Section  
100.3100 Compensation (IITA Section 302)
- 100.3110 State (IITA Section 302)
- 100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

## SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

- Section  
100.3200 Taxability in Other State (IITA Section 303)
- 100.3210 Commercial Domicile (IITA Section 303)
- 100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other than Residents (IITA Section 303)

## SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

- Section  
100.3300 Allocation and Apportionment of Base Income (IITA Section 304)
- 100.3310 Business Income of Persons Other than Residents (IITA Section 304) - In General
- 100.3320 Business Income of Persons Other Than Residents (IITA Section 304) - Apportionment (Repealed)
- 100.3330 Business Income of Persons Other Than Residents (IITA Section 304) - Allocation
- 100.3340 Business Income of Persons Other Than Residents (IITA Section 304)
- 100.3350 Property Factor (IITA Section 304)
- 100.3360 Payroll Factor (IITA Section 304)
- 100.3370 Sales Factor (IITA Section 304)
- 100.3380 Special Rules (IITA Section 304)
- 100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))

## SUBPART N: TIME AND PLACE FOR FILING RETURNS

- Section  
100.5000 Time for Filing Returns: Individuals (IITA Section 505)

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100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)  
 100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)  
 100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)  
 100.5040 Innocent Spouses

## SUBPART O: COMPOSITE RETURNS

Section  
 100.5100 Composite Returns: Eligibility  
 100.5110 Composite Returns: Responsibilities of Authorized Agent  
 100.5120 Composite Returns: Individual Liability  
 100.5130 Composite Returns: Required forms and computation of Income  
 100.5140 Composite Returns: Estimated Payments  
 100.5150 Composite Returns: Tax, Penalties and Interest  
 100.5160 Composite Returns: Credit for Resident Individuals  
 100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

## SUBPART P: COMBINED RETURNS

Section  
 100.5200 Filing of Combined Returns  
 100.5201 Definitions and Miscellaneous Provisions Relating to Combined Returns  
 100.5205 Election to File a Combined Return  
 100.5210 Procedures for Elective and Mandatory Filing of Combined Returns  
 100.5220 Designated Agent for the Members  
 100.5230 Combined Estimated Tax Payments  
 100.5240 Claims for Credit of Overpayments  
 100.5250 Liability for Combined Tax, Penalty and Interest  
 100.5260 Combined Amended Returns  
 100.5265 Common Taxable Year  
 100.5270 Computation of Combined Net Income and Tax  
 100.5280 Combined Return Issues Related to Audits

## SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section  
 100.7000 Requirement of Withholding (IITA Section 701)  
 100.7010 Compensation Paid in this State (IITA Section 701)  
 100.7020 Transacting Business Within this State (IITA Section 701)  
 100.7030 Payments to Residents (IITA Section 701)  
 100.7040 Employer Registration (IITA Section 701)  
 100.7050 Computation of Amount Withheld (IITA Section 701)  
 100.7060 Additional Withholding (IITA Section 701)  
 100.7070 Voluntary Withholding (IITA Section 701)

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100.7080 Correction of Underwithholding or Overwithholding (IITA Section 701)  
 100.7090 Reciprocal Agreement (IITA Section 701)  
 100.7095 Cross References

## SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section  
 100.7100 Withholding Exemption (IITA Section 702)  
 100.7110 Withholding Exemption Certificate (IITA Section 702)  
 100.7120 Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

## SUBPART S: INFORMATION STATEMENT

Section  
 100.7200 Reports for Employee (IITA Section 703)

## SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section  
 100.7300 Returns of Income Withheld from Wages (IITA Section 704)  
 100.7310 Quarterly Returns Filed on an Annual Basis (IITA Section 704)  
 100.7320 Time for Filing Returns (IITA Section 704)  
 100.7330 Payment of Tax Deducted and Withheld (IITA Section 704)  
 100.7340 Correction of Underwithholding or Overwithholding (IITA Section 704)

## SUBPART U: COLLECTION AUTHORITY

Section  
 100.9000 General Income Tax Procedures (IITA Section 901)  
 100.9010 Collection Authority (IITA Section 901)  
 100.9020 Child Support Collection (IITA Section 901)

## SUBPART V: NOTICE AND DEMAND

Section  
 100.9100 Notice and Demand (IITA Section 902)

## SUBPART W: ASSESSMENT

Section  
 100.9200 Assessment (IITA Section 903)  
 100.9210 Waiver of Restrictions on Assessments (IITA Section 907)

## SUBPART X: DEFICIENCIES AND OVERPAYMENTS

Section  
 100.9300 Deficiencies and Overpayments (IITA Section 904)

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100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)  
 100.9320 Limitations on Notices of Deficiency (IITA Section 905)  
 100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

## SUBPART Y: CREDITS AND REFUNDS

Section  
 100.9400 Credits and Refunds (IITA Section 909)  
 100.9410 Limitations on Claims for Refund (IITA Section 911)  
 100.9420 Recovery of Erroneous Refund (IITA Section 912)

## SUBPART Z: INVESTIGATIONS AND HEARINGS

Section  
 100.9500 Access to Books and Records (IITA Section 913)  
 100.9505 Access to Books and Records -- 60-Day Letters (IITA Section 913) (Repealed)  
 100.9510 Taxpayer Representation and Practice Requirements  
 100.9520 Conduct of Investigations and Hearings  
 100.9530 Books and Records

## SUBPART AA: JUDICIAL REVIEW

Section  
 100.9600 Administrative Review Law (IITA Section 1201)

## SUBPART BB: DEFINITIONS

Section  
 100.9700 Unitary Business Group Defined (IITA Section 1501)  
 100.9710 Financial Organizations (IITA Section 1501)  
 100.9720 Nexus

## SUBPART CC: LETTER RULING PROCEDURES

Section  
 100.9800 Letter Ruling Procedures

APPENDIX A Business Income Of Persons Other Than Residents  
 TABLE A Example of Unitary Business Apportionment  
 TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg.

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49 p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17588, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 15, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687,



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effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 33-2, effective JUN 22 2001.

## SUBPART BB: DEFINITIONS

## Section 100.9720 Nexus

a) IITA Section 201(a) imposes the Illinois Income Tax, a tax measured by net income, on individuals, corporations, trusts and estates for the privilege of earning or receiving income in or as a resident of this State. IITA Section 201(c) imposes a second tax measured by net income, the Personal Property Tax Replacement Income Tax, on corporations, partnerships and trusts for the privilege of earning or receiving income in or as a resident of this State. In general, a resident of this State will always be subject to these taxes. Activity conducted in interstate commerce may establish sufficient nexus with Illinois to permit imposition of these taxes on a non-resident taxpayer, as well, when the non-resident earns or receives income in this State within the meaning of the IITA. Complete Auto Transit, Inc. v. Brady, 430 U.S. 274, 97 S. Ct. 1076 (1977); Quill v. North Dakota, 504 U.S. 298, 112 S. Ct. 1904 (1992).

b) Standards for determining sufficient tax nexus are found in federal statutes regulating interstate commerce, in United States Constitutional jurisprudence, and in Illinois tax statutes.

c) The scope of federal statutes limiting nexus for imposition of Illinois income and replacement taxes are described in this subsection (c):

- 1) Public Law 86-272. In 1959, Congress enacted PL 86-272 (15 USC 381-384), which prohibits states and their political subdivisions from imposing a net income tax on nonresident taxpayers who operate primarily in interstate commerce and whose activity within a state is limited. PL 86-272 provides in pertinent part:
  - A) No state or political subdivision thereof shall have the power to impose . . . a net income tax on the income derived within such state by any person from interstate commerce if the only business activities within such state by or on behalf of such person during such taxable year are either, or both of the following:
    - i) the solicitation of orders by such person, or his representative, in such state for sales of tangible personal property, which orders are sent outside the state for approval or rejection, and, if approved, are filled by shipment or delivery from a point outside the state; and
    - ii) the solicitation of orders by such person, or his representative, in such state in the name of or for the benefit of a prospective customer of such person, if orders by such customer to such person to enable

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such customer to fill orders resulting from such solicitation are orders described in subsection (c)(1)(A)(i).

- B) The provisions of subsection (c)(1)(A) of this Section shall not apply to the imposition of a net income tax by any State or political subdivision thereof, with respect to --
  - i) Any corporation which is incorporated under the laws of such state; or
  - ii) Any individual who, under the laws of such state, is domiciled in, or a resident of, such state.

C) For the purposes of subsection (c)(1)(A) of this Section, a person shall not be considered to have engaged in business activities within a state during any taxable year merely by reason of sales in such state, or the solicitation of orders for sales in such state, of tangible personal property on behalf of such person by one or more independent contractors whose activities on behalf of such person in such state consist solely of making sales, or soliciting orders for sales, of tangible personal property.

- D) For purposes of this subsection (c)(1)--
  - i) The term "independent contractor" means a commission agent, broker, or other independent contractor who is engaged in selling, or soliciting orders for the sale of tangible personal property for more than one principal and who holds himself out as such in the regular course of his business activities; and
  - ii) the term "representative" does not include an independent contractor.

- 2) The terms of PL 86-272 affect nexus for taxation under the IITA according to the following principles:

- A) If a nonresident taxpayer's activities exceed "mere solicitation", as set forth in subsection (a) of PL 86-272 (subsection (c)(1)(A) of this Section), it obtains no immunity under that federal statute. The taxpayer is subject to Illinois income tax and personal property tax replacement income tax for the entire taxable year and its business income is apportioned under IITA Section 304. Whether a nonresident taxpayer's conduct exceeds "mere solicitation" depends upon the facts in each particular case.

- B) Nature of Property Being Sold
  - i) PL 86-272 immunizes solicitation only for sale of tangible personal property. Efforts to sell intangibles, such as services, franchises, patents, copyrights, trademarks and service marks, are not protected, nor is solicitation for the leasing, renting or licensing of tangible personal property.
  - ii) The sale, delivery and the solicitation for the sale

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or delivery of any type of service that is not either ancillary to solicitation, or otherwise set forth as a protected activity under subsection (c)(5), is also not protected under PL 86-272 or this Section.

- C) Solicitation of Orders. Solicitation of orders means speech or conduct that explicitly or implicitly invites an order and activity ancillary to invitations for an order.
- i) To be ancillary to invitations for orders, an activity must serve no independent business function for the seller apart from its connection to the solicitation of orders.

ii) Activity that a seller would engage in apart from soliciting orders shall not be considered ancillary to the solicitation of orders.

iii) Assignment of an activity to a salesperson does not, merely by such assignment, make that activity ancillary to solicitation of orders.

iv) Activity that attempts to promote sales is not ancillary, nor is activity that facilitates sales. PL 86-272 only protects ancillary activity that facilitates the invitation of an order.

D) De minimus activities are those that, when taken together, establish only a trivial additional connection with this State. An activity regularly conducted within this State on a regular or systematic basis or pursuant to a company policy (whether such policy is in writing or not) shall normally not be considered trivial. Whether an activity consists of a trivial or non-trivial additional connection with this State is to be measured on both a qualitative and quantitative basis. If the activity either qualitatively or quantitatively creates a non-trivial connection with this State, then the activity exceeds the protection of PL 86-272. The amount of unprotected activities conducted within this State relative to the amount of protected activities conducted within this State is not determinative of the issue of whether the unprotected activities are de minimus. The determination of whether an unprotected activity creates a non-trivial connection with this State is made on the basis of the taxpayer's entire business activity, not merely its activities conducted within this State. An unprotected activity that would not be de minimus if it were the only business activity of the taxpayer conducted in this State will not be de minimus merely because the taxpayer also conducts a substantial amount of protected activities within this State, nor will an unprotected activity that would be de minimus if conducted in conjunction with a substantial amount of protected activities fail to be de minimus merely because no protected

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activities are conducted in this State.

- 3) Listing of Specific Unprotected and Protected Activities.
- A) Subsection (c)(4) lists specific activities that are considered to be beyond "mere solicitation" and, therefore, unprotected by PL 86-272.

B) Subsection (c)(5) lists specific activities that are considered by this State to be "protected activities". Included on the list of "protected activities" are those specific activities that are protected by PL 86-272 and those specific activities that this State, in its discretion, deems worthy of protection. Inclusion of an activity on the listing of "protected activities" is neither a declaration nor an admission by this State that the activity must be afforded protection under PL 86-272.

4) Unprotected Activities. The following activities (assuming they are not de minimus) do not constitute "mere solicitation" of orders, nor are they ancillary, nor otherwise protected under PL 86-272. If one or more of the following activities are to the solicitation of orders conducted within this State, an otherwise protected nonresident taxpayer shall become subject to taxation by Illinois.

- A) Making repairs or providing maintenance or service to the property sold or to be sold.
- B) Collecting current or delinquent accounts, whether directly or by third parties, through assignment or otherwise.
- C) Investigating credit worthiness.
- D) Installation or supervision of installation at or after shipment or delivery.
- E) Conducting training courses, seminars or lectures for personnel other than personnel involved only in solicitation of sales of tangible personal property.
- F) Providing any kind of technical assistance or services, including, but not limited to, engineering assistance or design service, when one of the purposes of the assistance or service is other than the facilitation of the solicitation of orders.
- G) Investigating, handling, or otherwise assisting in resolving customer complaints, other than mediating direct customer complaints when the sole purpose of such mediation is to inarrate the sales personnel with the customer.
- H) Approving or accepting orders.
- I) Reassessing property.
- J) Securing deposits on sales.
- K) Picking up or replacing damaged or returned property.
- L) Hiring, training, or supervising personnel, other than personnel involved only in solicitation.
- M) Maintaining a sample or display room in excess of two weeks (14 days) at any one location within the State during the



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- tax year.
- N) Carrying samples for sale, exchange or distribution in any manner for consideration.
- O) Owning, leasing, or maintaining any of the following facilities or property in-state:
- i) Repair shop.
  - ii) Parts department.
  - iii) Any kind of office other than an in-home office as described as permitted under subsections (c)(4)(Q) and (c)(5)(B).
  - iv) Warehouse.
  - v) Meeting place for directors, officers, or employees.
  - vi) Stock of goods other than samples for sales personnel or that are used entirely ancillary to solicitation.
  - vii) Telephone answering service that is publicly attributed to the nonresident or to an employee or agent of the nonresident in his or her representative status.
  - viii) Mobile stores, i.e., vehicles with drivers who are sales personnel making sales from the vehicles.
  - ix) Real property or fixtures to real property of any kind.
- P) Consigning stock of goods or other tangible personal property to any person, including an independent contractor, for sale.
- Q) The maintenance of any office or other place of business in this State that does not strictly qualify as an "in-home" office as described in subsection (c)(5)(M) shall, by itself, cause the loss of protection under PL 86-272. A telephone listing or other public listing within the State for the nonresident or for an employee or other representative of the nonresident in such capacity or other indication through advertising or business literature that the nonresident or its employee or representative can be contacted at a specific address within the State shall normally be determined as the nonresident maintaining within this State an office or place of business attributable to the nonresident or to its employee or representative in a representative capacity. However, the normal distribution and use of business cards and stationary identifying the employee's or representative's name, address, telephone and fax numbers and affiliation with the nonresident shall not, by itself, be considered as advertising or otherwise publicly attributing an office to the nonresident or to its employee or other representative.
- R) Entering into franchising or licensing agreements; selling or otherwise disposing of franchises and licenses; or selling or otherwise transferring tangible personal property

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- pursuant to such franchise or license by the franchiser or licensor to its franchisee or licensee within the State.
- S) Conducting any activity that is not on the list of "protected activities" in subsection (c)(5), and that is not entirely ancillary to requests for orders, even if the activity helps to increase purchases.
- 5) Protected Activities. The following in-state activities will not cause the loss of immunity for otherwise protected sales:
- A) Soliciting orders for sales by any type of advertising.
  - B) Soliciting orders for sales by an in-state resident employee or representative of the nonresident, so long as that person does not maintain or use any office or place of business in the State besides an "in-home" office as described in Section (c)(5)(M).
  - C) Carrying samples and promotional materials only for display or for distribution without charge or other consideration.
  - D) Furnishing and setting up display racks and advising customers on the display of the nonresident's products without charge or other consideration.
  - E) Providing automobiles to sales personnel for their use in conducting protected activities.
  - F) Passing orders, inquiries and complaints on to the home office.
  - G) Missionary sales activities; i.e., the solicitation of indirect customers for the nonresident's goods. For example, a manufacturer's solicitation of retailers to buy the manufacturer's goods from the manufacturer's wholesale customers would be protected if those solicitation activities are otherwise immune.
  - H) Coordinating shipment or delivery without payment or other consideration and providing information relating to shipment or delivery either prior or subsequent to the placement of an order.
  - I) Checking of customers' inventories without charge (for re-order, but not for other purposes such as quality control).
  - J) Maintaining a sample or display room for two weeks (14 days) or less at any one location within the State during the tax year.
  - K) Recruiting, training or evaluating sales personnel, including occasionally using homes, hotels or similar places for meetings with sales personnel.
  - L) Mediating direct customer complaints when the purpose is solely for ingratiating the sales personnel with the customer and facilitating requests for orders.
  - M) Owning, leasing, using or maintaining personal property for use in the employee's or representative's "in-home" office located within the residence of the employee or other



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representative that is not publicly attributed to the nonresident or to the employee or other representative of the nonresident in a representative capacity or automobile, when that use is solely limited to the conducting of protected activities. Therefore, the use of personal property such as a cellular telephone, facsimile machine, duplicating equipment, personal computer and computer software, shall not, by itself, remove the protection under this Section, so long as the use of the office is limited to:

- i) soliciting and receiving orders from customers;
- ii) transmitting orders outside the State for acceptance or rejection by the nonresident; or
- iii) other activities that are protected under PL 86-272 or this Section.

N) Shipping or delivering goods into this State by means of vehicles or other modes of transportation owned or leased by the nonresident taxpayer or by means of private carrier, whether by motor vehicle, rail, water, air or other carrier and irrespective of whether a shipment or delivery fee or other charge is imposed, directly or indirectly, upon the purchaser.

6) Independent Contractors. PL 86-272 provides immunity to certain in-state activities, if conducted by an independent contractor, that would not be afforded if performed by the nonresident or its employees or other representatives.

A) Notwithstanding the provisions of subsection (C)(4), independent contractors may engage in the following limited activities in the State without the nonresident's loss of immunity:

- i) soliciting sales;
- ii) making sales;
- iii) maintaining an office.

B) Sales representatives who represent a single principal are not considered to be independent contractors and are subject to the same limitations as those provided under PL 86-272 and this Section.

C) Maintenance of a stock of goods in the State, by the independent contractor under consignment or any other type of arrangement with the nonresident, except for purposes of display and solicitation, shall remove the protection.

7) Application of Destination State Law in Case of Conflict.

A) When it appears that Illinois and one or more other states that are signatories to the "Statement of Information concerning practices of the Multistate Tax Commission and Signatory States under PL 86-272" have included or will include the same receipts from a sale in their respective sales factor numerators, at the written request of the

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nonresident, the states will, in good faith, confer with one another to determine which state should be assigned the receipts. The conference shall identify what law, regulation or written guideline, if any, has been adopted in the state of destination with respect to the issue. The state of destination shall be that location at which the purchaser or its designee actually receives the property, regardless of F.O.B. (Free on Board) point or other conditions of sale.

B) In determining which state is to receive the assignment of the receipts at issue, preference shall be given to any clearly applicable law, regulation or written guideline that has been adopted in the state of destination. However, except in the case of the definition of what constitutes "tangible personal property", Illinois is not required by this Section to follow any other state's law, regulation or written guideline should Illinois determine that to do so:

- i) would conflict with Illinois laws, regulations, or written guidelines; and
- ii) would not clearly reflect the income-producing activity of the nonresident within Illinois.

C) Notwithstanding any provision set forth in this Section to the contrary, as between Illinois and any other signatory state, Illinois agrees to apply the definition of "tangible personal property" that exists in the state of destination to determine the application of PL 86-272 and issues of throwback, if any. Should the state of destination not have any applicable definition of tangible personal property so that it could be reasonably determined whether the property at issue constitutes tangible personal property, then each signatory state may treat the property in any manner that would clearly reflect the income-producing activity of the nonresident within that state.

8) Application of this Section to Foreign Commerce

A) PL 86-272 specifically applies, by its terms, to "interstate commerce" and does not directly apply to foreign commerce. The states are free, however, to apply the same standards set forth in PL 86-272 to business activities in foreign commerce to ensure that foreign and interstate commerce are treated on the same basis. Such an application also avoids the necessity of expensive and difficult efforts in the identification and application of the varied jurisdictional laws and rules existing in foreign countries.

B) Illinois will apply the provisions of PL 86-272 and of this Section to business activities conducted in foreign commerce. Therefore, whether business activities are conducted by a nonresident selling tangible personal property into a country outside of the United States from a

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point within Illinois or by a nonresident selling such property into Illinois from a point outside of the United States, the principles under this Section apply equally to determine whether the sales transactions are protected and the nonresident is immune from taxation in either Illinois or in the foreign country, as the case might be, and whether, if applicable, Illinois will apply its throwback provisions.

- 9) Application to Corporation Incorporated in this State or to a Person Resident or Domiciled in this State. The protection afforded by PL 86-272 and this Section does not apply to any corporation incorporated within Illinois or to any person who is a resident of or domiciled in Illinois.

- 10) Registration or Qualification to do Business. A business that registers or otherwise formally qualifies to do business within Illinois does not, by that fact alone, lose its protection under PL 86-272.

- 11) Loss of Protection for Conducting Unprotected Activity During Part of a Tax Year. The protection afforded under PL 86-272 and this Section shall be determined on a tax year by tax year basis. Therefore, if at any time during a tax year the nonresident conducts activities that are not protected under PL 86-272 or this Section, no income earned or received in this State by the nonresident during any part of that tax year shall be protected from taxation under PL 86-272 or this Section.

- d) Illinois Statutory Provisions. PA 88-361 amended the Illinois Income Tax Act to provide that a person not otherwise subject to the tax imposed under the IITA shall not become subject to the tax imposed by the IITA by reason of:

- 1) that person's ownership of tangible personal property located at the premises of a printer in this State with which the person has contracted for printing; or
- 2) activities of the person's employees or agents located solely at the premises of a printer and related to quality control, distribution, or printing services performed by a printer in the State with which the person has contracted for printing. (IITA Section 205(f))

- e) U.S. Constitutional Jurisprudence. If not protected by U.S. or Illinois statute, an income-producing activity may, nonetheless, be protected from State taxation by principles of U.S. Constitutional Jurisprudence. Controlling decisions that assert protections afforded by the Interstate Commerce Clause, the Foreign Commerce Clause and the Due Process Clause are accepted by this State as limitations on the reach of its income tax and personal property tax replacement income tax statutes. However, nothing stated in this subsection (e) shall prevent Illinois from challenging taxpayer assertions of U.S. Constitutional protection.

- f) Application of the Joyce Rule. In determining whether the activity of

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a nonresident taxpayer conducted in this State is sufficient to create nexus for application of Illinois income tax or replacement tax, the principles established in Appeal of Joyce Inc., Cal. St. Bd. of Equal. (11/23/66), commonly known as the "Joyce rule", shall apply. Only activity conducted by or on behalf of the nonresident taxpayer shall be considered for this purpose. Because the income of a partnership, a Subchapter S corporation or any other pass-through entity is treated as income of its owners, activity of a pass-through entity is conducted on behalf of its owners. Activity conducted by any other person, whether or not affiliated with the nonresident taxpayer, shall not be considered attributable to the taxpayer, unless the other person was acting in a representative capacity on behalf of the taxpayer.

(Source: Added at 25 Ill. Reg. 8333, effective JUN 2, 2001)



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## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Library Construction Grants
- 2) Code Citation: 23 Ill. Adm. Code 3060
- 3) Section Numbers: Adopted Action:  
3060.400 Amended  
3060.800 Amended
- 4) Statutory Authority: Implementing Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3] and authorized by Sections 3 and 8 of the Illinois Library System Act [75 ILCS 10/3 and 8]

5) Effective Date of Amendments: July 1, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments include incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposed Rulemaking was published in the Illinois Register:  
April 6, 2001, 25 Ill. Reg. 4810

10) Has the Joint Committee on Administrative Rules issued a Statement of Objection to this rulemaking? No

11) Difference Between Proposal and Final Version: The language in Section 3060.400 was changed from "Local matching funds" means general funds, securities, general revenue bonds, tax levy, mortgages and other locally generated monies. Local matching funds do not include any funds from the State of Illinois." to "Local matching funds" means general funds, securities, general revenue bonds, tax levy, mortgages and locally generated monies. Local matching funds do not include any funds from the State of Illinois."

The language in Section 3060.800 (b) 3 was changed from "An assurance that other funds designated for construction are immediately available or how they will be secured by the library upon application. Funds which will be available upon the grant award may include a mortgage commitment letter from a lender." to "An assurance that other funds designated for construction are immediately available or how they will be secured by the library upon application. Funds which will be available upon the grant award may include a mortgage commitment letter from a lender."

12) Have all the changes agreed upon by the agency and the Joint Committee been made as indicated in the agreements issued by the Joint Committee?

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Yes Changes made to clarify the definition of "Local Matching Fund", and the assurance regarding having local matching funds available at time of application was clarified.

13) Will this rulemaking replace any emergency amendments currently in affect?  
No

14) Are there any other amendments pending on this Part? No

15) Summary and Purpose of Amendments: Define the term "local matching funds" to ensure that libraries seeking grant funds from the Secretary of State understand that local funds are to be in place when applications are due at the Illinois State Library. The requirement for a letter-of-intent from grant applications in an effort to reduce the amount of paperwork involved in the process.

16) Information and questions regarding these adopted amendments shall be directed to:

Joseph A. Natale, Rules Coordinator  
Illinois State Library  
300 S. Second  
Springfield IL 62701  
(217-558-4185)  
jnatale@ilsos.net

The full text of the adopted amendments beings on the next page:



## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE B: CULTURAL RESOURCES

## CHAPTER I: SECRETARY OF STATE

## PART 3060

## PUBLIC LIBRARY CONSTRUCTION GRANTS

## SUBPART A: INTRODUCTION

## Section

3060.100 Program Purpose  
3060.200 Duty to Administer  
3060.400 Definitions

## SUBPART B: GRANT APPLICATION

## Section

3060.500 Priorities in Library Grant Construction Proposals  
3060.600 Grant Funding Limitations  
3060.700 The Chicago Public Library Branches  
3060.800 Grant Application Procedure  
3060.900 Requirements and Conditions of Grant Funds  
3060.1000 Remodeling for Accessibility  
3060.1100 Disbursement of Grant Funds

## SUBPART C: APPEAL PROCEDURE

## Section

3060.2000 Appeal Procedure

## APPENDIX A EDA Qualified Areas (Repealed)

**AUTHORITY:** Implementing Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3] and authorized by Sections 3 and 8 of the Illinois Library System Act [75 ILCS 10/3 and 8].

**SOURCE:** Emergency rules adopted and codified at 7 Ill. Reg. 2017, effective January 28, 1983, for a maximum of 150 days; emergency expired June 27, 1983; adopted at 8 Ill. Reg. 2510, effective February 10, 1984; Part repealed, new Part adopted by emergency action at 9 Ill. Reg. 4560, effective March 20, 1985, for a maximum of 150 days; emergency expired August 17, 1985; Part repealed, new Part adopted at 9 Ill. Reg. 15004, effective September 25, 1985; emergency amendment at 9 Ill. Reg. 17885, effective November 4, 1985, for a maximum of 150 days; emergency expired April 3, 1986; amended at 10 Ill. Reg. 20002, effective November 19, 1986; amended at 12 Ill. Reg. 11264, effective July 1, 1988; emergency amendment at 17 Ill. Reg. 18687, effective October 12, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 4996, effective March 14, 1994; amended at 19 Ill. Reg. 12493, effective August 22, 1995; amended at 20

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Ill. Reg. 13078, effective September 20, 1996; emergency amendment at 20 Ill. Reg. 15081, effective November 7, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 4981, effective April 3, 1997; amended at 23 Ill. Reg. 12717, effective November 4, 1999; amended at 25 Ill. Reg. ~~8352-23~~, effective

## SUBPART A: INTRODUCTION

## Section 3060.400 Definitions

For the purposes of this Part:

"Act" means the Illinois Library System Act [75 ILCS 10].

"Application round" means the period in which applications for grants are available to prospective applicants and completed applications are reviewed and grants awarded.

"Appropriation" means the amount of funds actually approved by the General Assembly for a particular fiscal year and allocated to fund the construction grant program under Section 8 of the Illinois Library System Act.

"Construction" includes, but is not limited to:

The construction of new public library and library systems buildings.

The acquisition, expansion, remodeling and/or alteration of existing buildings.

The purchase of initial equipment for new buildings or existing buildings which are being expanded, remodeled, or altered, under this grant.

Any combination of such activities (including architect's fees and the cost of the site if acquired in the last 2 years).

"Equipment" includes:

Machinery, utilities and built-in equipment and any necessary enclosures or structures to house them, and all other items necessary for the functioning of a particular facility as a library or as a library system facility. By way of illustration, "equipment" includes, for example, fixtures, furnishings, shelving, and carpeting. "Equipment" does not include, for example, books, periodicals, films, or recordings.

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"Intersystem reciprocal borrowing" means reciprocal borrowing transactions involving a lending library and a patron registered as a borrower at a library in another system.

"Library" means a tax-supported public library within an Illinois Library System. "Library" also means a branch library of a main library facility.

"Library building consultant" refers to an individual, chosen by the library, with: a Master's degree in library science from a library school accredited by the American Library Association; and prior experience in at least one library construction project.

"Library system" means an organization defined at Section 2 of the Library System Act.

"Local matching funds" means general funds, securities, general revenue bonds, tax levies, mortgages and locally generated monies. Local matching funds do not include any funds from the State of Illinois.

"Political unit" refers to the local governing authority.

"Public libraries with limited funds" refers to public libraries which would have received an income of less than \$10 per capita in the preceding fiscal year by using a formula whereby the library's equalized assessed valuation is multiplied by .13% and divided by the population of the library's service area.

"State fiscal year" means the period from July 1 through June 30.

(Source: Amended at 25 Ill. Reg. 8352, effective \_\_\_\_\_)

## SUBPART B: GRANT APPLICATION

## Section 3060.800 Grant Application Procedure

The following application procedures shall apply:

- a) An intent to apply letter shall be submitted to the respective Regional Planning Commission in advance of the application for a construction grant. A copy of the reply from the applicable Regional Planning Commission and a copy of the intent to apply letter shall be submitted to the Illinois State Library.
- ab) The Illinois State Library shall issue application forms for library construction grants under this program.
- bc) Applying libraries and library systems shall submit the completed library construction grant application together with the following

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documents or written assurances to be eligible for library construction grants although some of the documentation and written assurances may be waived in the application for mini-grants described in Section 3060.100(c) of this Part, upon approval of the Illinois State Library construction consultant. Documentation and written assurances may be waived if they are not relevant to the specific mini-grant. As an example, a legal description of the affected real estate may not be required for a mini-grant project to install carpeting in the existing library building.

1) An assurance that the real estate affected by the proposed construction is available to the library or library system.

2) The legal description of the affected real estate.

3) An assurance that other funds designated for construction are immediately available to or how they will be secured by the library upon application. Funds which will be available upon the grant award may include a mortgage commitment letter from a lender. Assurances from the applicant that various fund-raising activities will be undertaken in the future, where the amount to be raised remains uncertain, shall not be counted as part of the local matching funds for the purposes of Section 3060.100.

4) An assurance that the library will expend 90% of Secretary of State library construction grant funds within 12 months after the execution of the grant agreement. The final 10% of grant funds will be reimbursed upon receipt by the State Library of the close-out report, including the final audit, if applicable.

5) A library building program including preliminary construction plans. For projects with a total cost of over \$150,000, a library building consultant must work with the library in developing the building program.

6) Preliminary construction plans with a site plan of the proposed building.

7) An estimated cost per square foot (for additions and new construction).

8) A statement describing the necessity for the proposed project.

9) A statement of plans to meet existing library standards of service ("Serving Our Public: Standards for Illinois Public Libraries" - 33 W. Grand, Suite 301, Chicago, IL 60610, Illinois Library Association, revised edition, 1997). The material incorporated by reference includes no later amendments or editions. This subsection shall not apply to library systems.

10) A description of the project's potential contribution to the improvement of library services within the library's area of service and in any other portions of the State.

11) An assurance that the library will secure a fidelity bond naming the Office of the Illinois Secretary of State as the exclusive beneficiary in an amount equal to 1.25 times the grant award.

12) An assurance that construction work will be performed by the lump sum (fixed price) contract method.

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- 13) An assurance that the library will publicly announce all requirements for architectural, engineering, and land surveying services and procure these services on the basis of demonstrated competence and qualifications and negotiate contracts at fair and reasonable prices.
- 14) An assurance that adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract by public advertising and that the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid.
- 15) An assurance that all laborers and mechanics employed by the contractor or subcontractors on all construction projects ~~assisted-by--the--~~Act shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Illinois Department of Labor in accordance with the Prevailing Wage Act [820 ILCS 130].
- 16) An assurance that a copy of the building permit shall be supplied to the Illinois State Library prior to the actual construction and that the permit shall be posted in a prominent place on the construction site.
- 17) An assurance that all contractors and subcontractors shall comply with the provision of the Copeland Anti-Kick Back Act (40 USC 276c (1982)) supplemented in U.S. Department of Labor regulations (29 CFR 3 (1985)). The material incorporated by reference includes no later amendments or editions.
- 18) An assurance that contractors and subcontractors shall comply with all applicable provisions of the Illinois Human Rights Act [775 ILCS 5] and all Federal and State laws, rules, and regulations which prohibit discrimination because of race, color, religion, sex, marital status, national origin, ancestry, age, and physical or mental handicap.
- 19) An assurance that architectural, engineering and land surveying contracts will be made in accordance with the Local Government Professional Services Selection Act [50 ILCS 510].
- 20) An assurance that construction contracts signed by both the library board (or library system board) and contractors will be prepared on standard American Institute of Architecture (AIA) forms that are submitted to the Illinois State Library prior to the start of construction; also, all subcontractors are to perform work in accordance with the conditions and standards contained in the contracts signed by the board and the Illinois State Library. The Illinois State Library shall have the right to disapprove any such contracts between the library board or library system board and contractors if:
- The bidding procedure outlined in subsection (c)(14) was not followed.
  - The conditions and standards specified in the contract between the Illinois State Library and the library board are

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- not incorporated into the contracts between the library board or library system board and the contractors.
- 21) An assurance that a revised budget will be prepared after bids have been accepted and will be submitted to the Illinois State Library for approval prior to actual construction. Such approval will be based on the exercise of professional judgment to insure that the provision of library services will not be harmed by the changes reflected in the revised budget. Such approval will also be based on the reduction in the contingency line item from 5% in the original budget to 2% of total project cost in the revised budget. Grant monies awarded are based on the amount specified in the original budget; grant awards will not be increased because of subsequent increases in revised budgets.
- 22) An assurance that a plaque will be placed in the completed building stating that State funds administered by the Secretary of State and State Librarian were used for the building's construction.
- 23) An assurance that permits any agent authorized by the Illinois State Library, upon presentation of credentials to, in accordance with the constitutional limitation on administrative searches, have full access to and the right to examine any records, books, papers, or documents, of the grantee involving transactions related to the grant.
- 24) An assurance that the construction will not commence until the construction contract is fully executed with required signatures by the Secretary of State, the Illinois State Library and the grantee, but will commence within 140 days after the effective date of the grant contract, and that the project will be completed within a reasonable length of time.
- 25) An assurance that a sign will be displayed on the construction site stating that State funds administered by the Secretary of State and State Librarian are being used for the construction.
- 26) An assurance that the following reports and records will be completed and transmitted to the Illinois State Library: **Monthly reports-of-interest-earned-on-grant--funds**; quarterly narrative and financial reports; notification within 15 days after completion of the project; a close-out report which is a final financial and narrative report within 90 days after the completion of the project; and other reports and documents, such as prevailing wage rates and receipts to verify vouchers, as reasonably may be required by the State.
- Financial reports shall show the amount of authorized State and local funds, interest earned on grant funds, expenditures made from grant funds and from interest earned on grant funds, obligated funds by amount and by percentage of line item remaining as compared to the original budget.
  - Narrative reports shall state the progress of the Project, accomplishments to date, problems encountered, objectives



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met and unmet, changes implemented, and the percentage of completion of the Project to date.

C) The close-out report shall evaluate the degree to which the grantee achieved the goals and objectives of the Project. If required by the State, the close-out report shall include a project audit report which shall be completed by an independent certified public accountant or accounting firm using Government Auditing Standards, 1994 revision (U.S. General Accounting Office, Comptroller General of the United States, c/o U.S. Gov. Bookstore, One Congress Center, 401 S. State, Suite 124, Chicago IL 60605). The project audit report shall include financial statements and compliance statements (which indicate that grant funds have been obligated in compliance with applicable laws and regulations of the State of Illinois and this Part).

27) An assurance that the building will remain in use as a public library or library system facility for not less than 20 years after its construction unless other use is approved by the Illinois State Library.

28) An assurance letter from the Illinois Historic Preservation Agency evidencing compliance with the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420].

29) An assurance letter from the Illinois State Water Survey Division of the Illinois Department of Natural Resources stating that the project site is not located in a Special Flood Hazard Area. If the project site is located in a Special Flood Hazard Area, the applicant shall submit an assurance letter from the Office of Water Resources of the Illinois Department of Natural Resources, stating that the project meets the requirements of Executive Order 79-4 regarding flood damages.

30) An assurance that any change in the Plans and Specifications requiring a work change order will be submitted to the Illinois State Library; any change order of \$10,000 or more will be submitted to the Illinois State Library for approval prior to being effected. The change order will be approved if the change does not have an adverse impact on library services.

31) An assurance that any interest earned on the grant funds will be expended, without limitation or exception, exclusively on the subject construction project.

d) All applications will be considered by the Illinois State Library Advisory Committee in accordance with the provisions of this Part.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective JUL 1 2001)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Alternative Loan Program

2) Code Citation: 23 Ill. Adm. Code 2721

3) Section Numbers: Adopted Action:  
2721.20 Amendment

4) Statutory Authority: Implementing Sections 5 and 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/5 and 80 through 175] and authorized by Sections 20(f) and 140(a) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 140(a)].

5) Effective Date of Amendment: July 1, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: January 26, 2001, 25 Ill. Reg. 1182

10) Has JCAR issued a Statement of Objections to this amendment? No

11) Differences between proposed and final version: The only changes made were technical in nature.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENT

Section 2721.20 (a)(4) is being amended to allow students attending ISAC-approved institutions on a student visa to be eligible for alternative loans. Previously, these loans were available only to citizens or eligible noncitizens. This change will allow participating institutions to better meet the financial assistance needs of their students.

16) Information and questions regarding this adopted amendment shall be directed to:

Thomas A. Breyer  
Deputy Program Officer  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015  
(847) 948-8500  
email: tbreyer@isac.org

The full text of the adopted amendment begins on the next page:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2721

ALTERNATIVE LOAN PROGRAM

Section	Summary and Purpose
2721.10	Borrower Eligibility
2721.20	Program Procedures
2721.30	Institutional Procedures
2721.40	

**AUTHORITY:** Implementing Sections 5 and 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/5 and 80 through 175] and authorized by Sections 20(f) and 140(a) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 140(a)].

**SOURCE:** Emergency rules adopted at 20 Ill. Reg. 8066, effective June 1, 1996, for a maximum of 150 days; emergency expired October 28, 1996; adopted at 20 Ill. Reg. 15061, effective November 4, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11011, effective July 18, 1997; amended at 25 Ill. Reg. 8361, effective July 18, 2000.

## Section 2721.20 Borrower Eligibility

- a) A borrower for an alternative loan must be a student, parent or legal guardian of such a student who is:
- 1) enrolled, or accepted for enrollment, at an ISAC-approved institution which has certified the applicant as eligible for an alternative loan;
  - 2) enrolled on at least a half-time basis, unless the student is employed full-time while she/he is in school, in which case she/he may receive a loan while enrolled less than half-time;
  - 3) in good standing in accordance with the institution's policy of satisfactory academic progress; and
  - 4) a citizen or eligible noncitizen of the United States or attending an ISAC-approved institution on a student visa.
- b) The borrower, or co-signer if applicable, must be determined to be credit-worthy. In determining credit-worthiness, the lender shall consider information including, but not limited to, the following: debt-to-income ratio, payment histories, prior loan defaults, unsatisfied court judgments, real estate foreclosures, unsatisfied collection accounts, write-offs or repossessions.

(Source: Amended 200 at 25 Ill. Reg. 8361, effective July 18, 2000)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: College Savings Bond Bonus Incentive Grant (BIG) Program

2) Code Citation: 23 Ill. Adm. Code 2771

3) Section Numbers: Adopted Action:  
APPENDIX A Amendment

4) Statutory Authority: Implementing and authorized by Section 8 of the Baccalaureate Savings Act [110 ILCS 920/8].

5) Effective Date of Amendment: July 1, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: January 26, 2001, 25 Ill. Reg. 1186

10) Has JCAR issued a Statement of Objections to this amendment? No

11) Differences between proposed and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace any emergency amendment currently in effect?  
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

The Table of Grant Amounts contained in Section 2771.APPENDIX A has been updated to include the most recent sale of College Savings Bonds which

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENT

took place in October of 2000.

16) Information and questions regarding this adopted amendment shall be directed to:

Thomas A. Breyer  
Deputy Program Officer  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield IL 60015  
(847) 948-8500  
email: tbreyer@isac.org

The full text of the adopted amendment begins on the next page:



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## PART 2771

COLLEGE SAVINGS BOND BONUS INCENTIVE GRANT (BIG) PROGRAM

## Section

2771.10 Summary and Purpose

2771.20 Applicant Eligibility

2771.30 Program Procedures

2771.40 Institutional Procedures

## APPENDIX A Table of Grant Amounts

AUTHORITY: Implementing and authorized by Section 8 of the Baccalaureate Savings Act [110 ILCS 920/8].

SOURCE: Emergency rules adopted at 15 Ill. Reg. 15800, effective October 21, 1991, for a maximum of 150 days; emergency expired on March 19, 1992; adopted at 16 Ill. Reg. 6873, effective April 14, 1992; amended at 18 Ill. Reg. 10246, effective July 1, 1994; amended at 19 Ill. Reg. 8312, effective July 1, 1995; amended at 20 Ill. Reg. 9136, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11018, effective July 18, 1997; amended at 22 Ill. Reg. 11035, effective July 1, 1998; amended at 23 Ill. Reg. 7532, effective July 1, 1999; amended at 24 Ill. Reg. 9090, effective July 1, 2000; amended at 25 Ill. Reg. 8364 effective July 1, 2001.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENT

## Section 2771.APPENDIX A - Table of Grant Amounts

GRANT AMOUNT PER \$5000 COMPOUND  
ACCRETED VALUE AT MATURITY

GRANT BOND MATURITY (August 1)	1/88 Bond Sale	10/88 Bond Sale	11/89 Bond Sale	11/90 Bond Sale	9/91 Bond Sale
1991	-	-	\$ 40	-	-
1992	-	-	\$ 60	\$ 40	-
1993	\$100	\$100	\$ 80	\$ 60	\$ 40
1994	\$120	\$120	\$100	\$ 80	\$ 60
1995	\$140	\$140	\$120	\$100	\$ 80
1996	\$160	\$160	\$140	\$120	\$100
1997	\$180	\$180	\$160	\$140	\$120
1998	\$200	\$200	\$180	\$160	\$140
1999	\$220	\$220	\$200	\$180	\$160
2000	\$240	\$240	\$220	\$200	\$180
2001	\$260	\$260	\$240	\$220	\$200
2002	\$280	\$280	\$260	\$240	\$220
2003	\$300	\$300	\$280	\$260	\$240
2004	\$320	\$320	\$300	\$280	\$260
2005	\$340	\$340	\$320	\$300	\$280
2006	\$360	\$360	\$340	\$320	\$300
2007	\$380	\$380	\$360	\$340	\$320
2008	\$400	\$400	\$380	\$360	\$340
2009	-	-	\$400	\$380	\$360
2010	-	-	\$420	\$400	\$380
2011	-	-	-	\$420	\$400
2012	-	-	-	-	\$420

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENT

GRANT AMOUNT PER \$5000 COMPOUND  
ACCREDITED VALUE AT MATURITY

GRANT BOND MATURITY (August 1)	10/92 Bond Sale	10/93 Bond Sale	10/94 Bond Sale	11/97 Bond Sale	11/98 Bond Sale	10/00 Bond Sale
1994	\$40	-	-	-	-	-
1995	\$60	\$40	\$15	-	-	-
1996	\$80	\$60	\$40	-	-	-
1997	\$100	\$80	\$60	-	-	-
1998	\$120	\$100	\$80	-	-	-
1999	\$140	\$120	\$100	-	-	-
2000	\$160	\$140	\$120	-	-	-
2001	\$180	\$160	\$140	\$80	\$60	-
2002	\$200	\$180	\$160	\$100	\$80	\$40
2003	\$220	\$200	\$180	\$120	\$100	\$60
2004	\$240	\$220	\$200	\$140	\$120	\$80
2005	\$260	\$240	\$220	\$160	\$140	\$100
2006	\$280	\$260	\$240	\$180	\$160	\$120
2007	\$300	\$280	\$260	\$200	\$180	\$140
2008	\$320	\$300	\$280	\$220	\$200	\$160
2009	\$340	\$320	\$300	\$240	\$220	\$180
2010	\$360	\$340	\$320	\$260	\$240	\$200
2011	\$380	\$360	\$340	\$280	\$260	\$220
2012	\$400	\$380	\$360	\$300	\$280	\$240
2013	\$420	\$400	\$380	\$320	\$300	\$260
2014	-	\$420	\$400	\$340	\$320	\$280
2015	-	\$440	\$420	\$360	\$340	\$300
2016	-	-	\$440	\$380	\$360	\$320
2017	-	-	-	\$400	\$380	\$340
2018	-	-	-	\$420	\$400	\$360
2019	-	-	-	\$440	\$420	\$380
2020	-	-	-	-	\$440	\$400
2021	-	-	-	-	-	\$420
2022	-	-	-	-	-	\$440

\* If no grant amount is shown, there were no bonds sold at that maturity for that particular issue.

(Source: Amended at 25 Ill. Reg. 8368, effective 8/1/00)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Federal Family Education Loan Program (FFELP)2) Code Citation: 23 Ill. Adm. Code 2720

3) Section Numbers: Adopted Action:  
 2720.20 Amendment  
 2720.30 Amendment  
 2720.40 Amendment  
 2720.50 Amendment  
 2720.60 Amendment  
 2720.70 Amendment  
 2720.130 Amendment

4) Statutory Authority: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 USCA 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

5) Effective Date of Amendments: July 1, 20016) Does this rulemaking contain an automatic repeal date? No7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: January 26, 2001, 25 Ill. Reg. 1191

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposed and final version: The only changes made were technical in nature.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace any emergency rules currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

A new subsection (g) has been added to section 2720.20 to reflect the introduction of the new blanket loan guaranty process which was authorized by Section 428(n) of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1998. Under this new process, an eligible lender may make loans without receiving prior approval from ISAC for individual loans to eligible borrowers enrolled in eligible programs at eligible institutions. This process is expected to improve the efficiency of the loan origination process, and significantly accelerate the delivery of student loan proceeds to borrowers. The new subsection requires lenders wishing to participate in this new process to execute a separate new agreement for this purpose.

Statutory citations referencing the Higher Education Act of 1965 have been updated in Sections 2720.30(e), 2720.70(a), and 2720.130(b), to conform to changes made in the Higher Education Amendments of 1998. Section 2720.40(c) has been updated to reflect that the lender-of-last-resort provisions now also apply to the Federal PLUS loan program of parent educational loans, in addition to subsidized and unsubsidized Stafford student loans.

Section 2720.40(e) has been amended to accommodate the passage of the new federal Electronic Signatures in Global and National Commerce Act (Public Law 106-229) which, when fully implemented, will allow the use of electronic signatures as a legal alternative to traditional written signatures on contracts such as loan promissory notes.

Section 2720.40(h) has been modified to be more flexible to schools in facilitating a wider variety of loan origination process options by allowing institutions to provide disbursement schedules either directly or through an agent.

Section 2720.50(d) has been modified to more accurately reflect that, under the previously mentioned new blanket guaranty process, a lender does not receive an individual loan guarantee notification prior to disbursement.

Language has been deleted in Section 2720.60(d) to reflect that lenders need no longer complete skip tracing activities prior to filing a default aversion assistance request. In some cases, ISAC performs this function for the lender upon request.

Section 2720.70(a), Reimbursement Procedures, has been updated to reflect

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

that the Higher Education Amendments of 1998 added new categories of loan discharge, including unpaid refunds in closed schools and loan forgiveness for teachers.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Thomas A. Breyer  
Deputy Program Officer  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield IL 60015  
(847) 948-8500  
email: tbreyer@isac.org

The full text of the adopted amendments begins on the next page:



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## PART 2720

## FEDERAL FAMILY EDUCATION LOAN PROGRAM

## (FFELP)

## SUBPART A: FEDERAL LOAN PROGRAMS:

## THE FEDERAL STAFFORD LOAN PROGRAM, FEDERAL

## PLUS PROGRAM, FEDERAL SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM,

## AND FEDERAL CONSOLIDATION LOAN PROGRAM

## Section

2720.5	Summary and Purpose
2720.6	Definitions (Repealed)
2720.10	Eligibility for ISAC Loan Guarantees
2720.20	Lender Eligibility
2720.25	Educational Lender Eligibility
2720.30	Institutional Eligibility
2720.35	Holder Eligibility
2720.40	Procedures for Obtaining a Guaranteed Loan
2720.41	One-Lender Requirement
2720.42	One-Holder Requirement
2720.50	Procedures for Disbursement and Repayment
2720.55	Federal Consolidation Loan Program
2720.60	Default Aversion Assistance
2720.70	Reimbursement Procedures
2720.80	Student Guarantee Fee
2720.90	Guarantee Transfers

## SUBPART B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

## Section

2720.105	Summary and Purpose
2720.120	IDAPP Eligible Loans
2720.130	IDAPP Eligible Lenders

## SUBPART C: ISAC ORIGINATED LOANS

## Section

2720.200	ISAC Originated Consolidation Loans
2720.210	Illinois Opportunity Loan Program (IOP)
2720.220	Federal Family Education Loan Program (FFELP) Loans

## APPENDIX A

Required Activities of Educational Lenders (Repealed)

AUTHORITY: Implementing Sections 80 through 175 of the Higher Education

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 USC 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 5 Ill. Reg. 8698, effective August 17, 1981; emergency rule and emergency repealer at 6 Ill. Reg. 7558, 7573, effective June 9, 1982, for a maximum of 150 days; new rules adopted at 6 Ill. Reg. 13799, effective October 25, 1982; old rules repealed at 6 Ill. Reg. 15254, effective December 3, 1982; emergency amendment at 7 Ill. Reg. 9942, effective August 8, 1983, for a maximum of 150 days; codified at 7 Ill. Reg. 13309; amended at 8 Ill. Reg. 876, effective January 9, 1984; amended at 8 Ill. Reg. 7286, effective May 18, 1984; amended at 8 Ill. Reg. 17006, effective September 5, 1984; amended at 9 Ill. Reg. 20796, effective January 1, 1986; amended at 11 Ill. Reg. 3181, effective January 29, 1987; emergency amendment at 11 Ill. Reg. 13669, effective August 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14103, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 18370, effective October 23, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20989, effective January 1, 1988; amended at 12 Ill. Reg. 6971, effective April 1, 1988; amended at 12 Ill. Reg. 11520, effective July 1, 1988; emergency amendment at 12 Ill. Reg. 15221, effective September 15, 1988, for a maximum of 150 days; emergency expired February 12, 1989; amended at 13 Ill. Reg. 2872, effective February 16, 1989; amended at 13 Ill. Reg. 8630, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1720 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2720 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17855; emergency amendment at 14 Ill. Reg. 4266, effective March 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10553, effective July 1, 1990; amended at 14 Ill. Reg. 10941, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 18769, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 4060, effective February 28, 1992; amended at 16 Ill. Reg. 11224, effective July 1, 1992; emergency amendment at 17 Ill. Reg. 2055, effective February 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 10506, effective July 1, 1993; amended at 18 Ill. Reg. 10254, effective July 1, 1994; emergency amendment at 18 Ill. Reg. 15636, effective October 15, 1994, for a maximum of 150 days; emergency expired March 13, 1995; amended at 19 Ill. Reg. 6215, effective April 15, 1995; amended at 19 Ill. Reg. 8320, effective July 1, 1995; amended at 20 Ill. Reg. 9147, effective July 1, 1996; amended at 21 Ill. Reg. 11038, effective July 18, 1997; amended at 22 Ill. Reg. 11051, effective July 1, 1998; amended at 23 Ill. Reg. 7537, effective July 1, 1999; amended at 24 Ill. Reg. 9101, effective July 1, 2000; amended at 25 Ill. Reg. 8369, effective \_\_\_\_\_.

## SUBPART A: FEDERAL LOAN PROGRAMS:

THE FEDERAL STAFFORD LOAN PROGRAM, FEDERAL PLUS PROGRAM,  
FEDERAL SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM,  
AND FEDERAL CONSOLIDATION LOAN PROGRAM

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

## Section 2720.20 Lender Eligibility

## a) Lender Agreement

- 1) All approved lenders must execute an ISAC Lender Agreement prior to participating in the Federal Family Education Loan Program through ISAC. Lenders wishing to serve as lenders-of-last-resort are required to sign an additional Agreement which includes the provisions of Section 428(j) of the Higher Education Act, as amended.
- 2) Lenders must have received ED approval prior to executing a Lender Agreement.
- 3) The Lender Agreement shall include provisions requiring lenders to:
  - A) comply with statutes, federal regulations and State rules; and
  - B) provide such information as ISAC may request relating to borrower demographics, collection records and other documents ISAC may need to comply with federal regulations. (See Sections 2720.60(a) and 2720.70(c).)
- 4) Lenders and ISAC shall electronically transmit and receive loan guarantee data. ISAC shall provide the lender with program documentation and reasonable technical assistance related to electronic data exchanges. ISAC and the lender shall agree that the information and data shall be confidential and shall not be used, disclosed, sold or shared for any purpose other than that which is directly related to the administration of ISAC's guaranteed loan programs.
- 5) Termination of the Lender Agreement may be made by either the lender or ISAC with 30 days' written notice. Termination shall not affect any obligations incurred prior to the time such termination becomes effective.
- b) Eligible lenders shall employ an adequate number of qualified persons to administer their responsibilities under ISAC's rules. In determining whether a lender employs an adequate number of qualified persons, ISAC considers the number of students aided, the number of applications evaluated and the amount of funds administered.
- c) In addition to the provision of subsection (a), the Lender Agreement for insurance companies approved as lenders shall require:
  - 1) advertising and promotional materials consistent with Section 149 of the Illinois Insurance Code [215 ILCS 5/149] and 50 Ill. Adm. Code 909; and
  - 2) compliance with Sections 421 through 434 of the Illinois Insurance Code [215 ILCS 5/421 through 434], which prohibit unfair methods of competition and unfair and deceptive acts and practices.
- d) A loan guarantee shall be cancelled if the lender fails to comply with federal regulations, statutes, ISAC rules or procedures, provided such failure impairs ISAC's ability to recover the expense of reimbursing

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

the lender for the defaulted loan.

- e) ISAC conducts compliance reviews to determine if approved lenders are complying with federal regulations, statutes and rules.
- f) Lenders wishing to participate in ISAC-guaranteed loan programs shall submit an application which shall include, but not be limited to: servicing/secondary market agreements; previous compliance and audit reviews conducted by other guarantors and the Department of Education; documentation relating to the percentage of student loans as compared to other installment loan portfolios; default rates; policy and procedures manuals; promotional materials; a statement relating to previous and anticipated loan volume; and other similar information relating to student loans requested by ISAC to show the lender's qualifications for participation. Program participation will be determined by an examination of those materials and compliance with federal laws and regulations and State rules and statutes.
- g) Lenders wishing to participate in a blanket guaranty program for ISAC-guaranteed loans must execute a Blanket Certificate of Loan Guaranty agreement.

(Source: Amended at 25 Ill. Reg. 8369, effective JUL 0, 2000)

## Section 2720.30 Institutional Eligibility

- a) Institutional eligibility requirements are specified in federal regulations. Eligible postsecondary institutions include universities, colleges, graduate schools, schools of nursing, business, trade, technical and vocational schools. Correspondence institutions/programs are not eligible.
- b) Institutions must have executed a Program Participation Agreement with ED in order to participate in ISAC-guaranteed loan programs. (See 34 CFR 668.14.)
- c) An institution may not engage in loan origination activities. This prohibition shall not apply if the institution has an ED-approved Origination Agreement on file with ISAC and the institution has been approved as an educational lender. (See Section 2720.25 of this Part and 34 CFR 682.601.)
- d) Approved institutions shall provide ISAC with the current enrollment status of students whom the institution has certified as eligible borrowers in accordance with federal regulations. (See 34 CFR 682.610(c).)
- e) Applicant and approved institutions must demonstrate administrative capability and financial responsibility, as defined by federal regulations, in order to begin and to continue participation in ISAC-guaranteed loan programs. (See, e.g., 34 CFR 668.14, and 68.15 and 668.16.)
- f) Institutions wishing to participate in ISAC-guaranteed loan programs shall submit an application which shall include, but not be limited

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

to: documentation from the U.S. Department of Education (ED) and the state in which it operates demonstrating authorization to offer educational programs; previous audit and compliance reviews conducted by other guarantors and ED; proof of accreditation; audited financial statements; student catalogs; promotional materials; policy and procedure manuals; documentation relating to default and student withdrawal rates; and other similar information requested by ISAC to show the institution's qualifications for participation. Participation will be decided by an examination of application materials and a determination of compliance with federal laws and regulations and State statutes and rules. Institutions may appeal an administrative decision denying participation or limiting eligibility in accordance with ISAC appeal procedures. (See 23 Ill. Adm. Code 2700.70.) Institutions denied participation shall be eligible to reapply one year from the date of the initial ISAC letter denying eligibility.

- g) Institutions not maintaining the standards of administrative capability or financial responsibility demonstrated in their original applications for participation, or required by federal regulations, may be subject to administrative limitation, suspension or termination proceedings. (See 23 Ill. Adm. Code 2790.)
- h) A foreign postsecondary institution, located outside the United States, is eligible to participate in ISAC-guaranteed loan programs provided it produces evidence to ISAC of current eligibility with ED (e.g., Program Participation Agreement, Institutional Eligibility Notice, etc.) or documentation of such eligibility is available directly from ED.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective JUL 01 2007)

## Section 2720.40 Procedures for Obtaining a Guaranteed Loan

- a) Borrowers who are eligible for a loan guarantee in accordance with Section 2720.10 are issued a notice of guarantee/disclosure statement. All promissory notes must be in a form approved by ED. No alteration or substitution may be used.
- b) All loans are made at the lender's discretion. When a lender rejects a borrower's request for a FFELP loan, the lender shall issue a notice of non-acceptance to the borrower.
- c) Lender-of-last-resort requirements:
  - 1) An applicant who is eligible for a Federal subsidized or unsubsidized Stafford loan or Federal PLUS loan guarantee pursuant to Section 2720.10 of this Part and who has received two denials from can request that ISAC make a referral to a lender-of-last-resort provided the applicant:
    - A) submits a written request for a lender-of-last-resort loan referral to ISAC, which is accompanied by two denials from

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- B) receives loan counseling information specifically designed to benefit an applicant seeking a lender-of-last-resort loan; and
- C) attends an ISAC-approved institution or, for a PLUS loan, is the parent of a student attending an ISAC-approved institution.
- 2) ISAC, within 60 days, will refer applicants to lenders-of-last-resort or will advise them that they do not meet the eligibility requirements of Section 2720.10 of this Part.
- 3) ISAC will act as a lender-of-last-resort or will refer the applicant to the Student Loan Marketing Association if it cannot refer the applicant to a lender-of-last-resort willing to make a subsidized or unsubsidized Stafford loan within 60 days.
- d) The availability of an ISAC-guaranteed loan shall not be conditioned upon the purchase of credit life, life, accident, health or other forms of insurance.
- e) The promissory note must be signed in ink, or must bear a valid electronic signature, in accordance with federal law (see 15 USC 7001 et seq.). Signature stamps shall not be used by the borrower.
- f) At the lender's discretion and in accordance with federal regulations, endorsers may be used for Federal PLUS Loans.
- g) Lenders shall obtain the names and addresses of at least two references from each loan applicant. Lenders shall submit the reference data to ISAC when requesting ISAC reimbursement pursuant to Section 2720.70.
- h) When certifying a borrower eligible for a loan guarantee, the institution shall provide ISAC a loan disbursement schedule consistent with Section 428G of the Higher Education Act of 1965, as amended (20 USC 1078-7). Should the institution or its agent fail to provide ISAC a disbursement schedule that is consistent with federal law, ISAC shall assign the loan a disbursement schedule that is consistent with Section 428G of the Higher Education Act of 1965, as amended.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective JUL 01 2007)

## Section 2720.50 Procedures for Disbursement and Repayment

- a) Disbursement and repayment procedures are specified in federal regulations.
- b) Prior to disbursement, the borrower shall execute a common ED-approved promissory note for the principal and interest on the loan. The lender shall retain the original copy of the promissory note.
- c) The lender shall transmit to ED any and all statements and reports necessary to obtain federal interest payments on the borrower's behalf. The lender shall not collect or attempt to collect from the borrower or ISAC any portion of the interest on the loan which is



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## NOTICE OF ADOPTED AMENDMENTS

payable by ED.

- d) Except for loans pursuant to Section 2720.55, or loans made under a Blanket Certificate of Loan Guaranty agreement, the lender shall not disburse the proceeds of any loan on the borrower's behalf unless and until the lender shall have received from ISAC evidence of a guarantee. The lender shall inform ISAC of all disbursement dates.
- e) Federal Stafford and Federal PLUS Loan proceeds shall be transmitted directly to the institution.

- 1) Federal Stafford Loan checks shall be payable to the student borrower unless the institution requires all Stafford loan checks to be co-payable to the borrower and the institution. Federal PLUS Loan checks shall be co-payable or sent via EFT to the institution and the parent borrower. Federal Stafford or Federal PLUS Loan funds disbursed either via EFT or by Master Check to the institution shall include information identifying the names, Social Security Numbers and the loan amounts of the borrowers who are receiving a portion of the disbursement, and the names and the Social Security Numbers of the students on whose behalf the parents are borrowing.

- 2) Loan proceeds must be disbursed to the institution and delivered to the borrower no later than 90 days after the end of the loan period or 90 days after the date on which the student ceased to be enrolled at least half-time, whichever is earlier. If the loan proceeds are not delivered pursuant to this subsection, the school must request that the loan be canceled and must return any loan proceeds.

- 3) If the student has withdrawn from enrollment and federal regulations require the institution to submit a refund to the lender, either electronically or in the form of a check payable to the lender on behalf of the borrower, the institution shall provide simultaneous written notice to the borrower of the refund.

- A) If the institution fails to issue a timely refund, as defined by federal regulations (see 34 CFR 682.607(c)), the institution shall pay penalty interest.

- B) The penalty interest shall equal the total amount of interest and special allowance generated by the principal value of the refund amount. The penalty interest shall be computed from the date the refund was due until the date the refund was issued.

- C) The penalty interest shall be paid to the lender or subsequent holder.

- f) The borrower(s) shall have the right to prepay without penalty the whole or any part of a loan guaranteed hereunder.

- g) The lender or holder shall notify the borrower of the repayment options available, as specified in 34 CFR 682.209. The lender or holder shall send a repayment schedule to a FFELP borrower no less than 30 days nor more than 240 days before the first payment on the

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- loan is due from the borrower.
- h) The lender or holder shall notify ISAC of payment in full or prepayment in full by the borrower.

- i) In accordance with federal regulations, the lender or holder may extend the maturity date of any note.

- j) Lenders or holders may exercise administrative forbearances, which do not require the agreement of the borrower, as authorized by Section 428(c)(3)(C) of the Higher Education Act of 1965, as amended, and by federal regulations.

- k) Borrowers are entitled to deferments, which extend the maturity date of any note(s), under conditions established by federal regulations.

- l) ISAC provides lenders or holders with the forms necessary for servicing their guaranteed loan portfolio (e.g., deferment forms, forbearance forms). Lenders and holders may use non-ISAC forms provided the alternative form meets the requirements of federal regulations and is compatible with ISAC's data processing requirements.

- m) No note shall be sold or transferred by the lender except to an ISAC-approved lender, an ISAC-approved holder, or ISAC.

(Source: Amended at 25 Ill. Reg. 8369-2-1, effective JUL 01 2000)

## Section 2720.60 Default Aversion Assistance

- a) ISAC functions in a supplementary role to assist the lender or holder in its collection of a loan that is at least 60 days delinquent. After requesting default aversion assistance, the lender or holder shall continue with normal collection activity.

- b) The request for default aversion assistance must be sent to ISAC in accordance with the time frames specified in federal regulations and the Higher Education Act of 1965, as amended.

- c) For 10 or more requests accounts submitted in one month, the default aversion assistance request and subsequent default aversion transactions must be submitted electronically, in a format approved by ISAC, from which collection action can begin or cease immediately.

- d) If a borrower's address is unknown, the lender shall attempt to locate the borrower pursuant to federal regulations. (See CFR 682.411.) ~~The lender may file for default aversion or skip-tracing assistance when it has completed its skip-tracing efforts. If it has not already done so, the lender shall file for assistance in accordance with the time frames specified in federal regulations and the Higher Education Act of 1965, as amended.~~

(Source: Amended at 25 Ill. Reg. 8369-2-1, effective JUL 01 2000)

## Section 2720.70 Reimbursement Procedures

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- a) The lender or holder shall request reimbursement from ISAC within 60 days from the date the lender or holder receives a completed request for loan cancellation or discharge forgiveness due to death, total and permanent disability, attendance at a school that closes, false certification by a school of a borrower's eligibility for a loan, unpaid refunds in closed schools or teacher loan forgiveness, in accordance with federal regulations and the Higher Education Act of 1965, as amended. (See, e.g., 34 CFR 682.215, 682.502 and 682.409.)
- b) Requests for default reimbursement must be submitted to ISAC within the time frames specified in, and the lender or holder shall be reimbursed in accordance with, federal regulations and the Higher Education Act of 1965, as amended. In the case of a default on a Federal PLUS Loan, the borrower, co-maker and endorser must meet the default criteria contained in federal regulations.
- c) The lender or holder must request ISAC reimbursement for a bankruptcy claim in accordance with federal regulations and the Higher Education Act of 1965, as amended. (See, e.g., 34 CFR 682.402.) The request for reimbursement must be submitted within 30 days after the lender's or holder's receipt of notice that collection on the debt is stayed, or 15 days upon notice of an adversary proceeding for undue hardship. A copy of the restraining order and the appropriate papers must be included. In the case of a bankruptcy involving a Federal PLUS Loan, the borrower, co-maker and endorser must meet the bankruptcy criteria contained in federal regulations.
- d) Prior to reimbursement, the lender or holder must certify compliance with federal due diligence requirements and subsection (h) of this Section.
- e) Prior to reimbursement, the lender or holder must have remitted the guarantee fee established by Section 2720.80.
- f) The lender or holder shall forward to ISAC any payments made by or on behalf of the borrower after default reimbursement and shall advise ISAC of any subsequent information received concerning the borrower. Prior to reimbursement, all original notes or certified, true and exact copies of original notes must be properly endorsed and submitted to ISAC. If the notes have been lost or erroneously stamped "Paid in Full," the lender or holder shall execute a Hold Harmless Agreement with ISAC.
- g) No fee or charge to the borrower, other than the maximum interest rate prescribed by ED and the collection charges outlined in federal regulations (see 34 CFR 682.202(f) and (g)), including the student guarantee fee, and the federal loan origination fee, shall be contracted for or received by the lender.
- h) The lender or holder shall make a proper collection effort in accordance with acceptable practices of prudent lending institutions including, but not limited to, the collection activities required by federal regulations. (See, e.g., 34 CFR 682.402, 682.411 and 682.412.)
- i) ISAC shall collect the outstanding amount on the reimbursed guaranteed

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- loan. If the borrower refuses to retire the debt, ISAC shall follow the requirements of federal regulations. (See 34 CFR 682.410.)
- j) Should a borrower refuse to retire the debt, ISAC shall direct the State Comptroller to offset any payment from the State Treasurer to the borrower. The funds offset shall be remitted to ISAC and credited against the debt.
- 1) All offsets shall be processed in accordance with 74 Ill. Adm. Code 285.
- 2) ISAC shall not direct an offset if the borrower has maintained a satisfactory repayment record. (See 23 Ill. Adm. Code 2700.40(a)(1).)
- 3) ISAC shall notify a borrower of the possibility of an offset no less than 15 days prior to the first offset. ISAC may provide additional notice of subsequent offsets for the same debt. Should the borrower dispute the debt, an appeal must be filed within 15 days after and including the date of the notice. Appeals will be processed in accordance with 23 Ill. Adm. Code 2700.70. If the requested relief is granted, the funds offset shall be returned to the borrower.
- 4) State income tax refunds and the wages of State employees, but are not limited to, ISAC shall provide a borrower with an opportunity for an administrative review of the legal enforceability or past-due status of the loan obligation after it pays a default claim but before it reports the default to a credit bureau or assesses collection costs against the borrower, in accordance with federal regulations (34 CFR 682.410(b)(5)(ii)(c)).
- 1) ISAC may garnish the disposable pay of a borrower if the individual is not currently making required payments, in accordance with Section 488A of the Higher Education Act, as amended.
- m) ISAC requires the lender or holder to submit a request for an increase in claim payment within 90 days after receiving the claim payment. ISAC will provide the lender or holder with a determination on the increase in claim payment within 90 days after receiving the request and supporting documentation.

(Source: Amended at 25 Ill. Reg. 83 69, effective July 1, 2001)

## SUBPART B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

## Section 2720.130 IDAPP Eligible Lenders

- a) Prior to submitting accounts for purchase, the lender and ISAC must execute an IDAPP contract. The contract requires lenders to comply with statutes, federal regulations and State rules.
- b) ISAC will purchase loans only from those lenders that have no inappropriate relationships with the institutions certifying the

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loans. An inappropriate relationship includes, but is not limited to, fiscal or loan service arrangements between commercial lenders and institutions which are not permitted by law or federal regulation (34 CFR 682.212 682-285) and/or is of such a special nature that all institutions or all lenders under similar circumstances do not receive similar terms, conditions or services from the lender.

- c) If it appears that the lender has violated one or more of ISAC's rules in the handling of any account, and if such violation contributed to the delinquent status of the account, ISAC will decline to purchase the account.

(Source: Amended at 25 Ill. Reg. 8369-3, effective JUL 11 2001)

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## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: General Provisions
- 2) Code Citation: 23 Ill. Adm. Code 2700
- 3) Section Numbers: Adopted Action:  
2700.20 Amendment  
2700.30 Amendment  
2700.40 Amendment
- 4) Statutory Authority: Implementing Sections 1 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/1 through 175]; Title IV of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- 5) Effective Date of Amendments: July 1, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 26, 2001, 25 Ill. Reg. 1205
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposed and final version: The only changes made were technical in nature.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency amendment currently in effect?  
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.



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In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

In Section 2700.20, Definitions, a new definition has been added for "Blanket Certificate of Loan Guaranty" to reflect a new loan process which was authorized by Section 428(n) of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1998. Under this new process, an eligible lender may make loans without receiving prior approval from ISAC for individual loans to eligible borrowers enrolled in eligible programs at eligible institutions. This process is expected to improve the efficiency of the loan origination process, and significantly accelerate the delivery of loan proceeds to borrowers. The definition of "Institution of Higher Learning" has been modified to provide additional clarification of what the agency means by the term "located in Illinois." ISAC requires that an institution's main campus be physically located in Illinois.

In Section 2700.30, General Institutional Eligibility Requirements, changes have been made in an effort to clarify the eligibility criteria required of institutions wishing to participate in ISAC administered gift assistance programs. In section 2700.30(1)(4), the provision allowing an institutional applicant to be considered prior to accreditation by the North Central Association (e.g., while in candidate status) is specifically limited to public or private not for profit institutions. The legislation that allowed certain for profit institutions to participate in gift assistance programs specifically required that these institutions be accredited by the North Central Association, among other requirements. As a result, candidacy status for these institutions would not be sufficient as it would conflict with the statute. In this same Section, the word 93fully94 has been deleted as an unnecessary modifier of the term 93accredited.94 Also, an obsolete cross-reference to another Part has been deleted.

A change has been proposed to Section 2700.40(a)(1)(B) to clarify that a borrower may have eligibility for guaranteed loans reinstated by establishing a satisfactory repayment arrangement only one time. As previously stated, this subsection incorrectly implied that this remedy could be used only once per loan, which could potentially mean that an individual borrower could use this remedy more than once if they had multiple loans. In fact, federal law restricts the use of this remedy to one time per borrower.

16) Information and questions regarding these adopted amendments shall be directed to:

Thomas A. Breyer  
Deputy Program Officer  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield IL 60015

(847) 948-8500

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email: [tbreyer@isac.org](mailto:tbreyer@isac.org)

The full text of the adopted amendments begins on the next page:

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## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## PART 2700

## GENERAL PROVISIONS

## Section

2700.10	Summary and Purpose
2700.10	Definitions
2700.20	General Institutional Eligibility Requirements
2700.30	General Applicant Eligibility Requirements
2700.40	Determining Applicant Eligibility
2700.50	Use, Security and Confidentiality of Data
2700.55	Audits and Investigations
2700.60	Appeal Procedures
2700.70	Contractual Agreement Requirements
2700.80	

**AUTHORITY:** Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USC 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

**SOURCE:** Adopted at 9 Ill. Reg. 20783, effective January 1, 1986; amended at 11 Ill. Reg. 3167, effective January 29, 1987; amended at 11 Ill. Reg. 14099, effective August 10, 1987; amended at 12 Ill. Reg. 11510, effective July 1, 1988; amended at 13 Ill. Reg. 8626, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1700 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2700 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17854; amended at 14 Ill. Reg. 10538, effective July 1, 1990; amended at 16 Ill. Reg. 11206, effective July 1, 1992; amended at 17 Ill. Reg. 10541, effective July 1, 1993; amended at 18 Ill. Reg. 10282, effective July 1, 1994; amended at 19 Ill. Reg. 8343, effective July 1, 1995; amended at 20 Ill. Reg. 9170, effective July 1, 1996; amended at 21 Ill. Reg. 11066, effective July 18, 1997; amended at 22 Ill. Reg. 11072, effective July 1, 1998; amended at 23 Ill. Reg. 7550, effective July 1, 1999; amended at 24 Ill. Reg. 9121, effective July 1, 2000; amended at 25 Ill. Reg. 8383, effective July 1, 2001.

## Section 2700.20 Definitions

"Academic Level" - The classification of a student as a freshman, sophomore, junior, senior, or graduate student.

"Academic Year" - In relation to scholarship and grant programs, a twelve month period of time, normally from August or September of any year through August or September of the ensuing year. In relation to the Federal Family Education Loan Program, academic year is defined at

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Section 481(d)(2) of the Higher Education Act of 1965, as amended (HEA), and at 34 CFR 668.2.

"Alternative Loan" - Any educational loan made or purchased by ISAC other than a loan made pursuant to Title IV of the Higher Education Act of 1965, as amended (20 USC 1071 et seq.), or any other federal statute providing for federal insurance of education loans to borrowers.

"Applicant" - Any individual who requests ISAC consideration for a scholarship, grant, tuition waiver, or guaranteed or alternative loan.

"Approved High School" - Any public high school located in this State; and any high school, located in this State or elsewhere (whether designated as a high school, secondary school, academy, preparatory school, or otherwise) which in the judgment of the State Superintendent of Education provides a course of instruction at the secondary level and maintains standards of instruction substantially the equivalent of those public high schools located in this State. (Section 10 of the Higher Education Student Assistance Act [110 ILCS 947/10])

"Armed Forces" - The United States Army, Air Force, Navy, Marines and Coast Guard.

"Blanket Certificate of Loan Guaranty" - A process that permits an eligible lender to make loans without receiving prior approval from ISAC for individual loans to eligible borrowers enrolled in eligible programs at eligible institutions, as authorized by Section 428(n) of the HEA.

"Chargeback" - Payment of tuition by the community college district of a student's residence to the community college district of a student's attendance. (See 110 ILCS 805/6-2.)

"Citizen" - One who, under the Constitution and laws of the United States, is a native-born or naturalized citizen of the United States of America.

"College Savings Bond" - A State of Illinois general obligation, zero coupon bond, issued pursuant to the Baccalaureate Savings Act as a long-term education savings instrument.

"Co-maker" - One of the two individuals who are joint borrowers either on a Federal PLUS Loan that was certified prior to January 1, 1995 or on any Federal Consolidation loan and who are equally liable for repayment of the loan. (See 34 CFR 682.200.)

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"Commission" - The ten member Illinois Student Assistance Commission created by Section 15 of the Higher Education Student Assistance Act [110 ILCS 947/15].

"Compound Accredited Value" - An amount equal to the original amount plus an investment return accrued to the date of determination at a semiannual compounding rate which is necessary to produce the yield at maturity indicated on the Official Statement that was issued when the college savings bonds were sold. The "Compound Accredited Value at Maturity" will be equal to \$5000 or an integral multiple thereof.

"Concurrent Registration" - The simultaneous enrollment at two or more institutions.

"Consolidation" - A federal program under which a borrower may receive a single new loan that refinances one or more outstanding qualified education loans under new terms and conditions, as authorized by Section 428C of the HEA.

"Contractual Agreement" - The written agreement between an eligible institution and a school or organization that is not eligible for participation in ISAC-administered programs whereby the non-eligible institution provides part of the education program of students enrolled at the eligible institution, as codified in Section 2700.80. A contractual agreement differs from a consortium agreement, which is an agreement among two or more eligible institutions only.

"Correctional Officer" - An employee of the Illinois Department of Corrections (DOC) who is assigned to a security position with the Department, and who has responsibility for inmates of any correctional institution under the jurisdiction of the Department.

"Correspondence Course" - A home study course provided by an institution under which the institution provides instructional materials, including examinations on the materials, to students who are not physically attending classes at the institution, as defined at 34 CFR 600.2.

"Co-signer" - A person who is secondarily liable for the repayment of an Alternative Loan.

"Cost of Attendance" - For the purposes of ISAC's rules, this term is defined at Section 472 of the Higher Education Act of 1965, as amended (20 USCA 108711).

"Cumulative Grade Point Average" - The average grade earned throughout a student's applicable secondary or postsecondary educational program. The calculation shall be consistent with the institution's established

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policy or practice and shall be the same as that completed for admission, placement or other similar purposes.

"Default Status" - The failure of a borrower to make an installment payment when due or to meet other terms of the promissory note as defined at 34 CFR 682.200.

"Delinquency" - For the purposes of ISAC's rules, this term is defined at 34 CFR 682.411(b).

"Dependent Student" - A scholarship, loan, tuition waiver or grant applicant or recipient who is not classified as an independent student.

"Disbursement" - In relation to scholarship and grant programs, a disbursement occurs on the payment voucher date. In relation to the Federal Family Education Loan Program, disbursement is the process of transferring loan proceeds as defined at 34 CFR 682.200.

"Distance Education" - A learning and teaching mode characterized by the separation of place and/or time between instructor and student, which includes programs and courses offered by correspondence and telecommunications.

"ED" - The acronym for the United States Department of Education.

"Educational Institution" - Unless otherwise qualified, any secondary or postsecondary educational organization with enrolls students who participate in ISAC programs.

"Educational Lender" - An institution that meets the lender eligibility criteria outlined in 23 Ill. Adm. Code 2720.25 for FFELP Loans and 2721.40 for alternative loans.

"EFT" - The acronym for electronic funds transfer.

"Eligible Noncitizen" - A noncitizen who is eligible for federal student assistance pursuant to Section 484 of the Higher Education Act of 1965, as amended. (See 20 USCA 1091.)

"Endorser" - A person who is secondarily liable for the repayment of a Federal PLUS Loan obligation.

"Enrolled" - The status of a student who has completed the institution's registration requirements and is attending classes.

"Executive Director" - The chief executive officer of ISAC.



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"Expected Family Contribution" - The amount the student and the student's family may be reasonably expected to contribute toward the student's postsecondary education. Expected Family Contribution is defined at Section 474 of the Higher Education Act (HEA) of 1965, as amended. (See 20 USCA 1087nn.)

"FAFSA" - The acronym for the Free Application for Federal Student Aid.

"FAFSA Receipt Date" - The date reported by ED's processor as the date upon which it receives an applicant's initial FAFSA for an academic year. For paper FAFSA's sent through the U.S. Postal Service, this is the date of physical receipt at the processor, not the postmark date.

"Federal Regulations" - Refers to regulations promulgated by ED and codified at 34 CFR 600 et seq.

"FFELP" - The acronym for the Federal Family Education Loan Program, as authorized by Section 421 of the Higher Education Act, as amended, including subsidized and unsubsidized Federal Stafford Loans, Federal PLUS Loans, Federal SLS Loans and Federal Consolidation Loans.

"Fire Officer" - For the purposes of ISAC's rules, this term means a firefighter who is employed by, or in the voluntary service of, this State or any public entity in this State.

"Foreign Missionary" - An individual who is assigned duty outside of the United States by an organization that engages in educational, philanthropic, humanitarian or altruistic works. The missionary organization must be exempt from the payment of federal taxes and must have been engaged in placing foreign missionaries for at least five years. Examples of such missionary organizations include, but are not limited to, the following: Peace Corps, Evangelical Alliance Mission, etc.

"Full-time Student" - In relation to scholarship and grant programs, an individual enrolled for twelve or more credit hours, for either a semester or quarter term. In relation to the Federal Family Educational Loan Program, full-time student is defined at 34 CFR 682.200.

"Gift Assistance" - Student assistance funds in the form of a scholarship, grant or tuition waiver, including, but not limited to, federal, State, institutional and private aid.

"Good Moral Character" - An applicant is of good moral character if the applicant will benefit from postsecondary instruction and is allowed to enroll at an approved postsecondary institution.

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"Graduating Class" - The students who will complete the high school's program of instruction and graduate within an academic year.

"Guaranteed Loan(s)" - Loan assistance through the Federal Family Education Loan Program (FFELP) which includes the subsidized and unsubsidized Federal Stafford Loan, the Federal PLUS Loan, the Federal Supplemental Loans for Students (SLS), and the Federal Consolidation Loan programs.

"HEA" - The acronym for the Higher Education Act of 1965, as amended, and codified at 20 USCA 1070 et seq.

"Half-time Student" - In relation to scholarship and grant programs, an individual enrolled for six or more credit hours (but fewer than twelve credit hours) for either a semester or quarter term. In relation to the Federal Family Education Loan Program, half-time student is defined at 34 CFR 682.200.

"Holder" - An organization authorized by ED and ISAC to purchase or retain possession of guaranteed loans. These organizations operate as commercial and educational lenders or secondary markets and may purchase ISAC-guaranteed loans from approved lenders.

"IBHE" - The acronym for the Illinois Board of Higher Education, the administrative agency created by the Board of Higher Education Act [110 ILCS 947/205].

"IDAPP" - The acronym for ISAC's Illinois Designated Account Purchase Program as authorized by the Education Loan Purchase Program Law [110 ILCS 947/125 through 170].

"Independent Student" - For the purposes of ISAC's rules, an independent student is defined by Section 480 of the Higher Education Act of 1965, as amended by P.L. 102-325. (See 20 USCA 1087vv.)

"Institution" - Unless otherwise qualified, any secondary or postsecondary educational organization which enrolls students who participate in ISAC programs.

"Institution of Higher Learning" - An educational organization whose main campus is physically located in Illinois which:

provides at least a two-year program of collegiate study in liberal arts or sciences, or associate degree or both, directly applicable toward the attainment of a baccalaureate degree, or, a program in health education directly applicable toward the attainment of a certificate, diploma, or an associate degree; and

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is operated:

by the State, or  
publicly or privately, not for profit, or  
for profit, provided it:

Offers degree programs which have been approved by the  
IBHE for a minimum of three years under the Academic  
Degree Act, and

enrolls a majority of its students in these degree  
programs, and

maintains accredited status with the North Central  
Association of Colleges and Schools Commission on  
Institutions of Higher Education.

For otherwise eligible educational organizations which provide  
academic programs for incarcerated students, the term "institution of  
higher learning" shall specifically exclude academic programs for  
incarcerated students (Section 10 of the Higher Education Student  
Assistance Act).

"Institution of Record" - The postsecondary institution at which a  
student is enrolled and seeking a degree or certificate. This  
institution assumes primary responsibility for certification of  
eligibility for ISAC-administered programs and for requesting payment  
from ISAC.

"ISAC" - The acronym for the Illinois Student Assistance  
Commission, the administrative agency created by Section 15 of the  
Higher Education Student Assistance Act [110 ILCS 947/15] to  
administer student assistance programs.

"ISBE" - The acronym for the Illinois State Board of Education, the  
administrative agency created by the School Code [105 ILCS 5].

"Lender" - An organization authorized by ISAC to make educational  
loans to students.

"Mandatory Fees" - The charges assessed by an institution to each and  
every full-time student for each term. Application, graduation,  
laboratory, breakage, add/drop fees, and program administrative fees  
for out-of-state or foreign study are specifically excluded. For the  
purposes of ISAC's rules, tuition is not a mandatory fee.

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"MAP" - The acronym for the Monetary Award Program administered by  
ISAC, as authorized by 110 ILCS 947/35 and codified at 23 Ill. Adm.  
Code 2735.

"Master Check" - A single check representing the loan proceeds for  
more than one borrower.

"Minority Student" - A student who is either black (a person having  
origins in any of the black racial groups in Africa); Hispanic (a  
person of Spanish or Portuguese culture with origins in Mexico, South  
or Central America, or the Caribbean Islands, regardless of race);  
Asian American (a person with origins in any of the original peoples  
of the Far East, Southeast Asia, the Indian subcontinent, including  
Pakistan, and the Pacific Islands, including, among others, Hawaii,  
Melanesia, Micronesia and Polynesia); or Native American (a person who  
is a member of a federally or state recognized Indian tribe, or whose  
parents or grandparents have such membership) and to include the  
native people of Alaska (Section 50(a) of the Higher Education Student  
Assistance Act).

"Parent" - For the purposes of ISAC's rules, this term is defined at  
34 CFR 668.2.

"Pell Grant" - A federal gift assistance program administered by ED in  
accordance with Section 411 of the Higher Education Act of 1965, as  
amended. (See 20 USCA 1070a et seq.)

"PLUS" - The federal program which provides loans to parents of  
certain students, as authorized by Section 428B of the Higher  
Education Act of 1965, as amended (20 USCA 1078-2) and Sections 80  
through 175 of the Higher Education Student Assistance Act [110 ILCS  
947/80 through 175].

"Police Officer" - For the purposes of ISAC's rules, this term means a  
law enforcement officer who is employed by, or in the voluntary  
service of, this State or any public entity in this State.

"Qualified Applicant" - An individual who meets the eligibility  
requirements of the gift assistance program for which s/he is  
applying.

"Regular School Year" - An eight to nine month period of time which  
includes two semester terms or three quarter terms. The regular school  
year excludes summer terms. Terms that begin after April 15 and end  
before September 16 are considered summer terms.

"Remedial Courses" - The course work that prepares a student for study  
at the postsecondary level and is necessary for the student to pursue

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the eligible postsecondary program.

"Resident of Illinois" -

A dependent student is a resident of Illinois if the parent of the dependent-applicant, who is required by the instructions to complete the Free Application for Federal Student Aid (FAFSA), physically resides within the State of Illinois and Illinois is his or her true, fixed and permanent home.

An independent student is a resident of Illinois if the applicant physically resides within the State of Illinois (at the time of application), and has so resided for a period of 12 continuous, full months immediately prior to the start of the academic year for which assistance is requested and Illinois is his or her true, fixed and permanent home.

When an applicant does not qualify as a resident of Illinois under the preceding two paragraphs and the applicant is a member of the U.S. Armed Forces or a foreign missionary, or is the dependent or the spouse of an individual who is a member of the U.S. Armed Forces or a foreign missionary, then the applicant's residency shall be determined in accordance with the following four paragraphs.

An applicant who is a member of the U.S. Armed Forces will be a resident of Illinois if the applicant physically resided in Illinois immediately prior to entering the U.S. Armed Forces, returned (or plans to return) to Illinois within six months after and including the date of separation and can demonstrate (pursuant to Section 2700.50(f) and (g)) that his/her domicile was the State of Illinois throughout such enlistment.

An applicant who is a foreign missionary will be a resident of Illinois if the applicant physically resided in Illinois for six continuous months immediately prior to entering missionary service, returned (or plans to return) to Illinois within six months after the conclusion of missionary service, and can demonstrate (pursuant to Section 2700.50(f) and (g)) that his/her domicile was the State of Illinois throughout such missionary service.

The dependent-applicant shall be a resident of Illinois notwithstanding the parent(s)' temporary physical absence from Illinois provided the parent(s) would be a resident of Illinois under the preceding two paragraphs.

The spouse-applicant shall be a resident of Illinois immediately

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upon physically occupying a dwelling within the State of Illinois provided the applicant can demonstrate that his/her absence from the State was the result of residing with the spouse during enlistment or missionary service outside of Illinois and that the spouse-applicant's domicile continues to be the State of Illinois.

"Rules" - The rules of ISAC codified at 23 Ill. Adm. Code: Subtitle A, Chapter XIX.

"Satisfactory Academic Progress" - An institutional policy which establishes minimum standards of academic performance. For purposes of ISAC-administered programs, the standards must be at least as stringent as those required by ED pursuant to Section 484 of the Higher Education Act of 1965, as amended. (See 20 USCA 1091.)

"Service Academy" - The U.S. Air Force Academy, the U.S. Coast Guard Academy, the U.S. Military Academy or the U.S. Naval Academy (Section 30(a) of the Higher Education Student Assistance Act).

"SLS" - The acronym for the federal Supplemental Loans for Students Program, as authorized by Section 428A of the Higher Education Act, as amended (20 USCA 1078-1). No SLS loans have been made for periods of enrollment beginning on or after July 1, 1994.

"Special Education" - A postsecondary educational program designed to teach persons how to meet the needs of all children designated as physically disabled, with specific learning disabilities, or requiring extraordinary special education services and facilities. (See 105 ILCS 5/14-1.02 and 7.20a.) These programs prepare persons for meeting the needs of children who exhibit disabilities or exceptional characteristics ranging from very mild to very severe. (See 23 Ill. Adm. Code 226, Special Education.) Such a program prepares a student to teach physically disabled children or children with learning disabilities. (See 105 ILCS 5/14-1.02 and 1.03a.)

"Stafford" - The federal subsidized and unsubsidized loan programs as authorized by Sections 427, 428 and 428H of the Higher Education Act, as amended (20 USCA 1078).

"Student Beneficiary" - An individual designated as the recipient of a College Savings Bond Bonus Incentive Grant.

"Teacher Education Program" - An undergraduate postsecondary course of study which, upon completion, qualifies a student to be certified as a pre-school, elementary or secondary teacher by a state board of education or its equivalent (including the Illinois State Board of Education). For a student who has completed less than four



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semesters/six quarters of postsecondary study, this includes a postsecondary course of study which leads to a teacher education program.

"Teacher Shortage Discipline" - An academic discipline in which a shortage of teachers exists in Illinois, as designated by the Illinois State Board of Education.

"Telecommunications Course" - A course offered principally through the use of television, audio, or computer transmission, including open broadcast, closed circuit, cable microwave, satellite, audio conferencing, computer conferencing, and video cassettes or disks, as defined at 34 CFR 600.2.

"Term" - A unit of time for student attendance, including, but not limited to, a quarter or semester.

"Tuition" - The charge for instruction assessed by an institution.

"Verification" - Procedures implemented by postsecondary institutions to verify the eligibility of applicants. The procedures are established by 34 CFR 668 et seq. and by ISAC's rules. -

(Source: Amended at 25 Ill. Reg. 8383, effective 11/1/20)

## Section 2700.30 General Institutional Eligibility Requirements

- a) ISAC Program Participation Agreement
  - 1) All institutions shall execute an ISAC Program Participation Agreement in order to participate in ISAC gift assistance programs.
  - 2) The ISAC Program Participation Agreement shall identify the ISAC programs under which the institution's students may receive benefits.
  - 3) The ISAC Program Participation Agreement shall include provisions requiring institutions to comply with statutes, federal regulations and State rules.
  - 4) The ISAC Program Participation Agreement may be modified or terminated in accordance with 23 Ill. Adm. Code 2790, Limitation, Suspension or Termination Proceedings.
- b) With respect to ISAC student assistance programs, institutions shall develop and maintain procedures to verify the consistency and accuracy of information received from their enrolled recipients.
- c) Institutions shall be subject to possible limitation, suspension or termination of eligibility for failure to comply with statutes, regulations, rules or procedures and for failure to maintain the standards required by this Section for initial participation.

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(See 23 Ill. Adm. Code 2790.)

- d) Postsecondary institutions which participate in gift assistance programs shall annually submit to ISAC a copy of their tuition refund policy. Such submissions shall not be considered ISAC approval of such policies.
- e) Postsecondary institutions which participate in gift assistance programs shall annually report their tuition and fee charges to ISAC on or before June 1 preceding each academic year.
  - 1) Failure to report any cost changes by the deadline will cause the prior year's charges to be used as part of the calculation process for gift assistance benefits. Failure to report the assessment of a fee charge by the deadline will result in that fee charge being ineligible for payment under ISAC gift assistance programs.
  - 2) The report shall match specific fee charges with the gift assistance program(s) which may finance the fee. Such categorizations by the institution shall not be considered ISAC approval.
  - 3) The Illinois National Guard Grant and the Illinois Veteran Grant (IVG) Programs may finance only a portion of certain fee charges. (See 23 Ill. Adm. Code 2730.10(c) and 2733.20(f).)
    - A) Example: One fee finances both tuition and text book expenses. Only the portion of the fee which is attributable to tuition expenses may be financed with program benefits.
    - B) Institutions with such a fee shall certify what percentage of the fee is eligible to be financed with program benefits. Certification shall be performed by the institution's chief fiscal officer.
  - f) Institutions shall submit additional reports, data and information to ISAC as may be requested. These inquiries include, but are not limited to, surveys, enrollment confirmations and evaluation instruments.
  - g) Additional institutional eligibility requirements are contained in subsequent Parts of ISAC's rules.
  - h) Postsecondary institutions may apply to participate in ISAC-guaranteed loan programs in accordance with 23 Ill. Adm. Code 2720.
  - i) Postsecondary institutions may apply to participate in ISAC gift assistance programs in accordance with this subsection.
    - 1) The Commission approves participation in ISAC gift assistance programs for an institution rather than for specific academic programs within an institution.
    - 2) Prior to applying for participation in ISAC gift assistance programs, the institutional applicant must have authority to operate a postsecondary institution in Illinois. (See 23 Ill. Adm. Code 1030.)
    - 3) Institutional applicants which are fully accredited by the North Central Association and have degree-granting authority may be approved to participate in ISAC gift assistance programs provided

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the institution meets and maintains the requirements of subsections (i)(4)(C) and (D) below.

- 4) Public or private not for profit institutional institutions applicants that which do not meet the requirements of subsection (i)(3) above may be approved to participate in ISAC gift assistance programs if the institution has:

- A) obtained candidate status for North Central accreditation.
- B) applied for and is seeking degree-granting authority.
- C) obtained at least three letters indicating the transferability of academic credit from the applicant institution to other institutions. The letters must be from institutions which are approved to participate in the Monetary Award Program (MAP) and are fully accredited by the North Central Association. (See-23-211-Adm-Code-2935-60-7)
- D) an adequate number of qualified persons to administer their responsibilities under ISAC's rules. In determining whether an institution employs an adequate number of qualified persons, the Commission considers the number of students aided, the number of programs in which the institution participates, the number of applications evaluated, the amount of funds administered, and the financial aid delivery system used by the institution.

- 5) Institutional applicants must also supply ISAC with audited financial statements, prepared by an independent third party in accordance with generally accepted accounting principles, to establish financial responsibility. (See, e.g., 34 CFR 668.15.)
- 6) Once approved to participate in ISAC gift assistance programs by the Commission, an institution shall receive provisional eligibility for a minimum of five academic years. An institution with provisional eligibility must petition the Commission for full eligibility. Full eligibility will be granted if the institution meets the requirements of subsection (i)(3) above and if there are no outstanding audit exceptions.

- 7) As a condition of eligibility for participation in ISAC student assistance programs, postsecondary institutions shall have a valid Program Participation Agreement with ED (see Section 487 of the Higher Education Act of 1965, as amended (20 USCA 1094)) and shall report their Office of Postsecondary Education Identification (OPE-ID) number to ISAC.

- k) In order to begin and to continue participation in ISAC-administered student assistance programs, institutions must also demonstrate administrative capability and financial responsibility, as defined by federal regulations. (See, e.g., 34 CFR 668.15 & 668.16.) An institution's failure to meet and maintain those standards can lead to limitation, suspension or termination proceedings. (See 23 Ill. Adm. Code 2790.)

- l) Institutions that have been assigned multiple main OPE-ID numbers will be considered separate entities by ISAC. Different campus codes

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associated with the same main OPE-ID number will not be considered separate entities.

- m) An institution shall notify ISAC of its Federal Employer Identification Number (FEN) in order to receive payment pursuant to any ISAC-administered program.

- n) When an approved institution has a change of ownership resulting in a change of control, a change of location, or a change of name as defined by federal regulations, the institution's Program Participation Agreement with ED may be terminated. After an institution has undergone a change of status affecting its participation in any Title IV federal student financial aid programs, the institution may have its eligibility with ISAC reinstated by the execution of a new Program Participation Agreement with ED (see, e.g., 34 CFR 600.30 et seq.) and by the submission and approval of a new application for participation with ISAC.

(Source: Amended at 25 Ill. Reg. 8383, effective July 01 2001)

## Section 2700.40 General Applicant Eligibility Requirements

- a) Except as otherwise provided by this subsection, an applicant with a defaulted loan made pursuant to Title IV of the Higher Education Act is not eligible for benefits under ISAC-administered programs.

- 1) Eligibility for guaranteed loans may be reinstated in accordance with federal regulations and the following provisions:

- A) Eligibility for ISAC-guaranteed loans will be reinstated when:

- i) the debt has been paid in full;
- ii) the borrower has made a "satisfactory repayment arrangement," in accordance with 34 CFR 682.200;
- iii) the borrower's prior defaulted loan(s) has been rehabilitated, in accordance with 34 CFR 682.405; or
- iv) the borrower has made payments on a defaulted loan(s) to consolidate that loan(s) in accordance with 34 CFR 682.201.

- B) Borrowers are eligible to use subsection (a)(1)(A)(ii) above only one time during the entire life-of-any-loan.

- C) Eligibility for ISAC-administered gift assistance will be reinstated for current and future terms when the applicant has maintained a satisfactory repayment record for at least six consecutive months or has met the requirements of subsection (a)(1)(A) above. Factors to be considered by ISAC in evaluating the repayment record include: the amount of the debt, the amount of the payments received by ISAC, the employment status of the applicant, and the frequency of the applicant's contact with ISAC.

- 2) A qualified applicant for Illinois Veteran Grant (IVG) assistance

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(23 Ill. Adm. Code 2733) shall be permitted one term of assistance during which a satisfactory repayment record, as defined by subsection (a)(1)(C) above, must be established. If such a repayment record is not established, additional assistance shall be denied until a satisfactory repayment record is established.

b) No applicant shall receive ISAC-administered assistance if the applicant owes a refund for any ISAC-administered gift assistance, a Federal Pell Grant, or a Federal Supplemental Educational Opportunity Grant (FSEOG) (20 USC 1070(b)).

c) An applicant shall, upon request, provide documentation to establish and verify eligibility. (See Section 2700-50.) Failure to supply adequate documentation will result in the denial of student assistance benefits.

d) An applicant supplying fraudulent data shall be denied assistance and may also be subject to prosecution by the Illinois Attorney General, United States Department of Justice and/or an Illinois State's Attorney.

e) Each applicant must submit his/her Social Security Number (SSN).

f) Recipients who cease to be residents of Illinois after notification of eligibility may complete the academic year with the assistance awarded.

g) Unless otherwise provided, benefits under gift assistance programs are subject to the limits of dollars appropriated to ISAC by the Illinois General Assembly and approved by the Governor. If funding is available, assistance for summer terms or for attendance on a less than half-time basis shall be awarded separately.

h) When gift assistance eligibility is limited to a specified number of term payments, the eligibility cap is calculated in accordance with this subsection.

1) For each semester term of full-time payment benefits, the recipient is assessed six eligibility units. For each quarter term of full-time payment benefits, the recipient is assessed four eligibility units.

2) For each semester term of half-time payment benefits, the recipient is assessed three eligibility units. For each quarter term of half-time payment benefits, the recipient is assessed two eligibility units.

3) Sixty eligibility units are the equivalent of payments for ten semesters/fifteen quarters of full-time benefits.

4) Forty-eight eligibility units are the equivalent of payments for eight semesters/twelve quarters of full-time benefits.

i) An applicant shall comply with Selective Service registration requirements, pursuant to 34 CFR 668.31 et seq.

j) Except for grants pursuant to 23 Ill. Adm. Code 2730 (Illinois National Guard Grant Program) and 23 Ill. Adm. Code 2733 (Illinois Veteran Grant Program), an applicant must be maintaining satisfactory academic progress in accordance with the institution's policy.

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k) Except for grants pursuant to 23 Ill. Adm. Code 2730 (Illinois National Guard Grant Program) and 23 Ill. Adm. Code 2733 (Illinois Veteran Grant Program), ISAC gift assistance benefits for courses utilizing distance education are limited to students enrolled in eligible degree or certificate programs who are eligible to receive Title IV, HEA program funds. (See 34 CFR 668.38.)

l) Except for grants pursuant to 23 Ill. Adm. Code 2730 (Illinois National Guard Grant Program) and 23 Ill. Adm. Code 2733 (Illinois Veteran Grant Program), students enrolled in academic programs while incarcerated are ineligible for ISAC gift assistance benefits.

(Source: Amended at 25 Ill. Reg. 8383, effective JUL 01 2001)



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- 1) Heading of the Part: Illinois Incentive For Access (IIA) Program
- 2) Code Citation: 23 Ill. Adm. Code 2736
- 3) Section Numbers: Adopted Action: Amendment 2736.40
- 4) Statutory Authority: Implementing Section 36 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/36 and 20(f)].
- 5) Effective Date of Amendment: July 1, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: January 26, 2001, 25 Ill. Reg. 1224

10) Has JCAR issued a Statement of Objections to this amendment? No

11) Difference between proposed and final version: The only changes made were technical in nature.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this part, ISAC proposes the following substantive amendments:

A new provision is being proposed in section 2736.40(f)(1) to permit schools to submit payment requests beginning ten days prior to the start

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of classes for the term for which they are requesting payment. This time frame now parallels the requirements for federal student aid programs, as well as a similar time frame instituted last year in Part 2735 for the Monetary Award Program (MAP), and is expected to facilitate the timely delivery of funds to needy students.

16) Information and questions regarding this adopted amendment shall be directed to:

Thomas A. Breyer  
Deputy Program Officer  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015  
(847) 948-8500  
email: tbreyer@isac.org

The full text of the adopted amendment begins on the next page:

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## NOTICE OF ADOPTED AMENDMENT

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## PART 2736

## ILLINOIS INCENTIVE FOR ACCESS (IIA) PROGRAM

## Section

2736.10 Summary and Purpose

2736.20 Applicant Eligibility

2736.30 Program Procedures

2736.40 Institutional Procedures

**AUTHORITY:** Implementing Section 36 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/36 and 20(f)].

**SOURCE:** Emergency rules adopted at 20 Ill. Reg. 10397, effective August 1, 1996, for a maximum of 150 days; adopted at 20 Ill. Reg. 15067, effective November 15, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11110, effective July 18, 1997; amended at 22 Ill. Reg. 11095, effective July 1, 1998; amended at 24 Ill. Reg. 9144, effective July 1, 2000; amended at 25 Ill. Reg. — 8402 —, effective 10/1/2001.

## Section 2736.40 Institutional Procedures

- a) Claims for IIA-eligible students shall be submitted by the institution of record after the institution of record certifies to ISAC that the applicant meets the criteria listed in Section 2736.20, Applicant Eligibility.
- b) IIA grants are paid directly to the institution of record in two disbursements consisting of payments of \$250 each term.
- c) Notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's gift assistance may not exceed the cost of attendance used to calculate Title IV aid for that student. If a student is receiving both MAP and IIA and the gift assistance exceeds the cost of attendance, IIA should be used first and MAP should be reduced to prevent an overaward.
- d) For institutions with concurrent registration opportunities:
  - 1) the recipient must indicate his/her institution of record on the financial aid application;
  - 2) the institution of record shall distribute the appropriate share of the award to the other institution(s). Payment by ISAC will not be made to more than one institution;
  - 3) concurrent registration is limited to ISAC-approved institutions of higher learning; and
  - 4) the recipient's academic record(s) at the institution of record must document the total number of credit hours for which the student is enrolled.

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- e) If a qualified applicant withdraws from enrollment after the expiration of the tuition refund/withdrawal adjustment period, the qualified applicant shall receive the IIA grant payment for that term.
- f) Institutional Processing of Payments:
  - 1) Institutions may submit their payment requests beginning ten days prior to the start of classes for the term for which they are requesting payment.
  - 2) To provide sufficient time for processing and vouchering through the State Comptroller's Office, all payment requests must be received by ISAC no later than August 1 following the academic year due to the State's fiscal year lapse period ending August 31.
  - 3) Payment requests received after August 1 for the prior academic year will be processed as time and available funds permit. However, final action may require an institution to obtain payment for approved claims through the Illinois Court of Claims. (See the Court of Claims Act [705 ILCS 505].)
  - 4) Within 30 days after receiving payment of any IIA funds, the institution shall credit the recipient's account for the appropriate term.
  - 5) IIA award payments in the name of one recipient cannot be applied to another recipient at the same institution.
  - 6) Following receipt of IIA payments from ISAC for the term, an institution is required to reconcile its records. If the institution determines that refunds are due, they are to be processed and returned to ISAC no later than 60 days following the end of the academic term. Should the payment arrive after the end of the term, the institution will have 60 days following the receipt of payment to complete the reconciliation process and return any funds due.
  - 7) If the institution does not submit refunds as required by this Section, ISAC will deduct outstanding refunds from subsequent institutional IIA payments.

(Source: Amended 10/1/2001 at 25 Ill. Reg. 8402 —, effective

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## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Illinois National Guard (ING) Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 2730
- 3) Section Numbers: Adopted Action:  
2730.20 Amendment
- 4) Statutory Authority: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/45 and 20(f)].
- 5) Effective Date of Amendment: July 1, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 26, 2001, 25 Ill. Reg. 1228
- 10) Has JCAR issued a Statement of Objections to this amendment? No
- 11) Difference between proposed and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

An amendment has been proposed to Section 2730.20(a) to change the deadline for filing applications for first term award consideration from September 15 to October 1. It is hoped that by extending this deadline,

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applicants will still have time to apply for benefits on a timely basis after they have received their fall term bills, thereby eliminating a large number of appeals from late filers.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Thomas A. Breyer  
Deputy Program Officer  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015  
(847) 948-8500  
email: tbreyer@isac.org

The full text of the adopted amendment begins on the next page:



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## NOTICE OF ADOPTED AMENDMENT

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## PART 2730

## ILLINOIS NATIONAL GUARD (ING) GRANT PROGRAM

Section	Summary and Purpose
2730.10	Applicant Eligibility
2730.20	Program Procedures
2730.30	Institutional Procedures
2730.40	

**AUTHORITY:** Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/45 and 20(f)].

**SOURCE:** Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; rules repealed at 6 Ill. Reg. 8239, effective June 30, 1982; new rules adopted at 6 Ill. Reg. 8413, effective June 30, 1982; codified at 7 Ill. Reg. 10877; amended at 8 Ill. Reg. 17016, effective September 5, 1984; amended at 9 Ill. Reg. 20827, effective January 1, 1986; amended at 11 Ill. Reg. 3202, effective January 29, 1987; amended at 12 Ill. Reg. 11531, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1730 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2730 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17857; amended at 14 Ill. Reg. 10567, effective July 1, 1990; amended at 16 Ill. Reg. 11254, effective July 1, 1992; amended at 17 Ill. Reg. 10563, effective July 1, 1993; amended at 18 Ill. Reg. 10303, effective July 1, 1994; amended at 20 Ill. Reg. 9187, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11119, effective July 18, 1997; amended at 22 Ill. Reg. 11100, effective July 1, 1998; amended at 23 Ill. Reg. 9148, effective July 1, 2000; amended at 25 Ill. Reg. 8408--, effective July 1, 2001.

## Section 2730.20 Applicant Eligibility

- a) Students must file an application annually indicating the institution to be attended. No payment will be authorized for any applicant until a current application is on file. The deadline for applications will be October 1 September--15 for first term, March 1 for second semester/second and third quarter, and June 15 for the summer term.
  - 1) Qualified applicants will receive an eligibility letter from ISAC for each academic year following the filing of the application. This letter must be delivered to the institution at which the student is enrolled. Ineligible applicants will receive written notification from ISAC of their ineligibility to receive program benefits; and
  - 2) ISAC will verify application data in consultation with the

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Illinois Department of Military Affairs when reviewing an application.

- b) Applicants must be in active status in the Illinois Army or Air National Guard and have served for at least one year in the Illinois National Guard. Eligibility is available to any such enlisted person or company grade officer, including warrant officers, first and second lieutenants, and captains in the Army and Air National Guard, except for those persons who are members of the inactive Illinois National Guard.
- c) Recipients must maintain an acceptable grade point average as determined by the institution pursuant to a published policy.
- d) Changes of address, name, status with the Illinois National Guard or institution of attendance must be reported in writing to ISAC.

(Source: Amended at 25 Ill. Reg. 8408--, effective July 1, 2001.)

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## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Illinois Prepaid Tuition Program

2) Code Citation: 23 Ill. Adm. Code 2775

3) Section Numbers: Adopted Action:

2775.30 Amendment

2775.40 Amendment

2775.50 Amendment

4) Statutory Authority: Implementing the Illinois Prepaid Tuition Act [110 ILCS 979] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

5) Effective Date of Amendments: July 1, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: January 26, 2001, 25 Ill. Reg. 1232

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposed and final version: The only changes made were technical in nature.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency amendment currently in effect?  
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

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A number of changes have been made at the request of the Internal Revenue Service (IRS). The IRS required that these changes be made to our rules as a condition of the IRS designating the Illinois Prepaid Tuition Program, College Illinois21 as a qualified program under Section 529 of the Internal Revenue Code. Such designation is necessary in order for the participants in the program to qualify for important tax benefits on their accounts.

In Section 2775.40(c), the IRS required that we state that all contributions must be made in cash or its equivalent. In Section 2775.50(a), provisions have been added to more clearly provide that contributions on behalf of an individual beneficiary may not be in excess of the amount required for the higher education expenses of the beneficiary. In Section 2775.50(b)(3), the agency was required to state that no interest in a prepaid tuition contract may be used as security for a loan. In Section 2775.50(c)(1), language was added to state that a separate accounting will be provided for each designated beneficiary. And finally, a new subsection (c)(6) of Section 2775.50 was added to specifically prohibit the purchaser and beneficiary from directing the investment of contributions to the program.

In addition to the above changes required by the IRS, a number of related changes have been proposed in Sections 2775.30(a), 2775.50(e)(1) and 2775.50(e)(2). These changes clarify that, under the terms of the existing Master Agreement, in the event a substitute purchaser or beneficiary is named pursuant to the provisions of the Agreement, neither the new purchaser nor the new beneficiary are required to be residents of Illinois, as is required of the initial purchaser or qualified beneficiary. For example, if an Illinois resident having purchased a tuition contract for his or her child should subsequently die and designate an out-of-state family member to assume the responsibility for the contract payments, the child would still be entitled to receive the originally contracted for benefits.

16) Information and questions regarding these adopted amendments shall be directed to:

Thomas A. Breyer  
Deputy Program Officer  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield IL 60015  
(847) 948-8500  
email: tbreyer@isac.org

The full text of the adopted amendments begins on the next page:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION

## CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## PART 2775

## ILLINOIS PREPAID TUITION PROGRAM

Section	Summary and Purpose
2775.10	Definitions
2775.20	Participant Eligibility
2775.30	Program Procedures
2775.40	Contract Terms and Conditions
2775.50	Scholarships, Grants or Monetary Assistance
2775.60	Disclosure
2775.70	

**AUTHORITY:** Implementing the Illinois Prepaid Tuition Act [110 ILCS 979] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

**SOURCE:** Adopted by emergency rulemaking at 22 Ill. Reg. 16652, effective September 11, 1998, for a maximum of 150 days; adopted at 23 Ill. Reg. 2591, effective February 1, 1999; amended at 24 Ill. Reg. 9154, effective July 1, 2000; amended at 25 Ill. Reg. 8410-2, effective Jul 01 2001.

## Section 2775.30 Participant Eligibility

- The purchaser or qualified beneficiary must have been a resident of the State of Illinois for twelve continuous full months on the date of the application. Proof of residency shall be submitted to ISAC upon request. In the event either a new purchaser or new beneficiary is named pursuant to the terms of the contract, neither the new purchaser nor new beneficiary need be a resident of Illinois. (See Section 2775.50(e).)
- For a purchaser, a qualified beneficiary, the parent or legal guardian of a qualified beneficiary, or a member of the family of a qualified beneficiary, evidence of residency may be provided by documentation consistent with the requirements of 23 Ill. Adm. Code 2700.50(g)(3).
- For the purpose of establishing the residency status of a minor child as a qualified beneficiary, a progress report from the child beneficiary's day care center, preschool, or other school of attendance indicating twelve months of residency in Illinois will also be considered sufficient evidence.
- In the absence of other proof of residency for the qualified beneficiary, the parents' or legal guardians' residency shall be determinative.
- There is no age limit with regard to the qualified beneficiary of an Illinois prepaid tuition contract.

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(Source: Amended at 25 Ill. Reg. 8410-3, effective Jul 01 2001)

## Section 2775.40 Program Procedures

## a) Application/Master Agreement

- The application period for purchases of contracts for the prepayment of postsecondary registration fees shall commence and terminate on dates set annually and announced publicly by the Commission.
  - After receipt and approval of the purchaser's application/master agreement, a participation and payment schedule shall be mailed to the purchaser. The contract itself shall be comprised of the application/master agreement, participation and payment schedule. The purchaser must sign and date the application for it to be deemed complete and valid.
  - Each prepaid tuition contract must have one person designated as purchaser and one person designated as qualified beneficiary.
- b) Contract Prices and Fees**  
The Commission shall annually review contract prices and adjust prices for new contracts, referencing annual changes in registration fees at Illinois public universities and Illinois community colleges. An implied interest rate for installment payment plans annually will be calculated, and subsequently approved or reaffirmed by the Commission as part of its pricing policy for the program. The Commission also annually shall approve a schedule of administrative fees or changes to fees for the program, including, but not limited to, application, late payment, cancellation and monthly maintenance fees.
- c) Payment Options**  
All contributions must be made in cash or its equivalent. Purchasers may make payments through a variety of means. Automated clearinghouse checks, payroll deductions or payments via coupon books will be acceptable. Payments are due in accordance with conditions set forth in the contract. Payments may be made by lump sum or by installments. All installment contracts shall be for a period of five years, except that contracts for at least 120 credit hours may be payable, by installments, over a 10-year period. No penalty shall be assessed for early payment of installment contracts.
- d) Delinquency and Default**  
Failure to make any payment within 15 days after the due date shall result in assessment of a late fee and suspension of the qualified beneficiary's rights under the plan. A purchaser may reinstate his or her status in good standing within 180 days after this delinquency, provided all delinquent amounts have been paid. If no payments have been received within 210 days after the scheduled payment date, the account is canceled and the purchaser is sent the appropriate refund amount.
- e) Termination**



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There are two types of contract termination, involuntary and voluntary:

1) Involuntary termination shall occur upon a finding of fraud in the verification of residency of a qualified beneficiary at the time of application or the nonpayment of any appropriate payments due within established time frames.

2) Voluntary termination shall occur within 30 days after receiving written notice of a purchaser's desire to cancel a contract.

## f) Refunds

Generally, no refund shall exceed the amount paid into the Illinois Prepaid Tuition Trust Fund by the purchaser and no refund shall be authorized under any prepaid tuition contract for any term partially attended but not completed. Refunds shall be made payable to the order of the purchaser only. The Commission shall authorize refunds in excess of the amount paid into the Illinois Prepaid Tuition Trust Fund under the following conditions:

1) When a qualified beneficiary is awarded a grant or scholarship, the terms of which duplicate the benefits covered by his or her prepaid tuition contract, then the moneys paid for the purchase of the contract shall be returned to the purchaser, in term installments that coincide with the matriculation of the qualified beneficiary, in an amount equal to the lesser of:

- A) the original purchase price plus two percent interest compounded annually, or
- B) the current cost of the registration fees at the MAP-eligible institution at which the qualified beneficiary is enrolled.

2) In the event of death or total disability of the qualified beneficiary, moneys paid for the purchase of the contract shall be returned to the purchaser together with all accrued earnings.

3) In cases where a public university plan contract is converted for usage at an Illinois community college, then the amount refunded shall be on a term-by-term basis. The refund should be the current value of the original contract minus the current value of the contract after conversion.

4) In all instances of a voluntary contract cancellation, the amount refunded shall be the original purchase price of the contract plus two percent compounded annually, less a cancellation fee.

(Source: Amended at 25 Ill. Reg. 84103m, effective JUL 01 2004)

## Section 2775.50 Contract Terms and Conditions

## a) Contract Types

The program shall offer purchasers at least two different types of contracts: a public university plan and a community college plan. Additional contract plans may be offered. All contract types shall

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cover registration fees.

1) The public university plan specifies that no more than up-to 9 terms, or 135 credit hours, at an Illinois public university may be purchased for the benefit of a qualified beneficiary. Applicants may choose to purchase as little as one term, or 15 credit hours, at a time.

2) The community college plan specifies that no more than up-to 4 terms, or 60 credit hours, at an Illinois community college may be purchased for the benefit of a qualified beneficiary. Applicants may choose to purchase as little as one term, or 15 credit hours, at a time.

3) No more than an aggregate of 135 credit hours of benefits may be purchased on behalf of any qualified beneficiary.

## b) Contract Benefits

1) The registration fees contracted for by the purchaser shall be paid at the time of enrollment of the qualified beneficiary. The credit hours purchased may be used during any term of postsecondary undergraduate enrollment. To receive benefits under this program, a qualified beneficiary whose contract is in good standing will be issued an identification card. No identification card will be issued to a qualified beneficiary until a bona fide social security number is submitted.

2) Without exception, no contract benefits may be received by a qualified beneficiary of an Illinois prepaid tuition contract earlier than three years from the date the contract is purchased.

3) No interest in all or any portion of a contract may be used as security for a loan.

## c) Contract Requirements

1) Purchasers must name a qualified beneficiary in the application. Only one qualified beneficiary is allowed per contract. A separate accounting will be provided for each designated beneficiary.

2) In the event duplicate applications for the same qualified beneficiary are processed, the application processed first shall be deemed valid and the remaining application or applications shall be deemed valid, if and only if, they provide for registration fees not already covered by previous applications.

3) The purchaser does not have to designate the postsecondary institution which the qualified beneficiary is expected to attend.

4) The benefits of a contract may be used within three years in advance of the selected matriculation date indicated in the application with no penalty or additional cost. However, to utilize a contract prior to the selected matriculation date, the purchaser must pay the contract in full before changing such matriculation date.

5) Benefits may be received for up to a 10-year period after the qualified beneficiary's first enrollment date. This 10-year

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limitation may be extended upon application to the Commission and the payment of a renewal fee assessed at that time. Any time spent by the qualified beneficiary in active military service shall not count as part of the time period for receiving contract benefits under all contract plans.

- 6) The purchaser and qualified beneficiary are prohibited from directing the investment of any contributions to the program.

d) Contract Exclusions

- 1) Prepaid tuition contract plans do not cover payment of registration fees for graduate programs, adult basic programs, adult secondary programs, or postsecondary adult vocational programs.

- 2) Purchasers may request approval to apply unexpended prepaid tuition credits toward payment of graduate school registration fees, in cases where other prepaid tuition contract benefits already have been utilized for undergraduate education and an undergraduate degree has been conferred.

e) Change of Purchaser and Change of Qualified Beneficiary

- 1) The purchaser of a contract may be changed upon written request of the original purchaser and the new purchaser. The new purchaser must meet the requirements of a qualified purchaser contained in the master agreement other than the residency requirement. (See Section 2775.30(a).)

- 2) Upon written request, contract benefits may be transferred by the purchaser to a new qualified beneficiary prior to actual use. The new qualified beneficiary must be a member of the family of the original qualified beneficiary but need not meet the residency requirement. (See Section 2775.30(a).)

f) Benefit Portability and Conversion Between Illinois Public Universities and Illinois Community Colleges

- 1) Public university plan benefits may be converted for usage at community colleges and community college plan benefits may be converted for usage at public universities.

- 2) Benefits shall be converted by referencing the relative current average mean-weighted credit hour value of registration fees purchased under the contract. Such benefit conversions shall be authorized on a term-by-term basis and no fee shall be assessed for conversion of benefits among in-State public institutions.

g) Benefit Portability and Conversion to Nonpublic and Out-of-State Higher Education Institutions

- 1) Public university plan and community college plan contract benefits may be converted for payment of registration fees at nonpublic and out-of-state not-for-profit higher education institutions.

- 2) Benefits shall be converted by referencing the current average mean-weighted credit hour value of registration fees purchased under the contract. Each term, the Commission shall cause to have transferred this amount, less a transfer fee, to the

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nonpublic or out-of-state institution on behalf of the qualified beneficiary.

8410 J

(Source: Amended at 25 Ill. Reg. effective JUL 01 2001)

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## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Illinois Veteran Grant (IVG) Program
- 2) Code Citation: 23 Ill. Adm. Code 2733
- 3) Section Numbers: Adopted Action:  
2733.20  
Amendment
- 4) Statutory Authority: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].

- 5) Effective Date of Amendment: July 1, 2001

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: January 26, 2001, 25 Ill. Reg. 1241

- 10) Has JCAR issued a Statement of Objection to this amendment? No

- 11) Differences between proposed and final version: The only changes made were technical in nature.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this amendment replace an emergency amendment currently in effect?  
No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

A number of related amendments have been proposed to Section 2733.20,

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Applicant Eligibility, all intended to clarify the requirements for an applicant's service and the necessary documentation of such service. In Section 2733.20(c), additional language has been added to clarify that an applicant who is still in the military may be considered for eligibility, provided that the initial active duty commitment has been completed, in order for the required characterization of service to be available. This also reduces any possible confusion that may have been caused by the use of the term "separation" for those applicants who are still in the Armed Forces.

The language in Section 2733.20(e) has also been amended to more accurately reflect existing policy that, in cases where an applicant had multiple periods of service, the characterization of service must be honorable for each period. Language has been clarified in Section 2733.20(i) to update terminology to better conform to current form designations and procedures.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Thomas A. Breyer  
Deputy Program Officer  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield IL 60015  
(847) 948-8500  
email: tbreyer@isac.org

The full text of the adopted amendment begins on the next page:



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## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## PART 2733

## ILLINOIS VETERAN GRANT (IVG) PROGRAM

Section	Summary and Purpose
2733.10	Applicant Eligibility
2733.20	Program Procedures
2733.30	Institutional Procedures
2733.40	

AUTHORITY: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].

SOURCE: Emergency rule adopted at 10 Ill. Reg. 14322, effective August 20, 1986 for a maximum of 150 days; emergency expired January 16, 1987; adopted at 11 Ill. Reg. 3207, effective January 29, 1987; amended at 12 Ill. Reg. 11536, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1733 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2733 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17858; amended at 14 Ill. Reg. 10571, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 15613, effective October 11, 1991, for a maximum of 150 days; emergency expired March 9, 1992; emergency amendment at 15 Ill. Reg. 18778, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 6880, effective April 14, 1992; amended at 16 Ill. Reg. 11261, effective July 1, 1992; amended at 17 Ill. Reg. 10570, effective July 1, 1993; amended at 18 Ill. Reg. 10309, effective July 1, 1994; amended at 20 Ill. Reg. 9200, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11139, effective July 18, 1997; amended at 22 Ill. Reg. 11114, effective July 1, 1998; amended at 23 Ill. Reg. 7575, effective July 1, 1999; amended at 24 Ill. Reg. 9166, effective July 1, 2000; amended at 25 Ill. Reg. 8418, effective JUL 0 2001.

## Section 2733.20 Applicant Eligibility

a) A qualified applicant shall be any member of the Armed Forces of the United States who has served at least one year of active duty and whose separation from such service has been characterized as honorable provided he/she ishe:

- 1) was a:
  - A) resident of Illinois at the time of entering service and after leaving the service returned to Illinois within 6 months; or
  - B) student at an Illinois public university or community college at the time of entering the service; and
- 2) established or plans to establish Illinois residency within 6

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months after separation from the Armed Forces, or if married to a person in continued military service:

- A) applied for this grant within 6 months after and including the date the spouse was stationed within Illinois; or
  - B) established Illinois residency within 6 months after and including the date that the spouse was separated (if the spouse was stationed outside Illinois).
- b) A recipient must reside in Illinois unless the recipient is a member of the Armed Forces at the time of enrollment.
- c) Any member of the Armed Forces of the United States who has served at least one year of active duty and who meets the Illinois residency requirements of this Section (i.e., subsections (a) and (b)), above, is a qualified applicant if his/her separation from such service was characterized as honorable. If the applicant is still in the Armed Forces, he/she must have completed his/her initial active duty commitment with service characterized as honorable. Upon discharge from the Armed Forces, the veteran shall be subject to verification of continued eligibility for assistance under this Part.
- d) A recipient must maintain an acceptable grade point average as determined by the institution pursuant to a published policy.
- e) An individual is not a qualified applicant unless ~~if~~ the individual's separation from the Armed Forces of the United States was characterized as ~~other-than~~ honorable for each period of service.
- f) An individual is not a qualified applicant if the individual's active duty with the Armed Forces was for less than one year unless:
- 1) the veteran's separation from such service for medical reasons directly connected with such service was characterized as honorable; or
  - 2) the veteran's separation prior to August 11, 1967 was characterized as honorable; or
  - 3) the veteran's separation from such service, which included service in a foreign country in a time of hostilities in that country, was characterized as honorable. As used in this Section, "time of hostilities in a foreign country" means any action by the armed forces of the United States that is recognized by the issuance of a Presidential proclamation or a Presidential executive order and in which the armed forces expeditionary medal or other campaign service medals are awarded according to Presidential executive order.
- g) Members of the Reserve Officer Training Corps (ROTC) and a state's National Guard are not eligible for assistance under this Part.
- h) Applicants are not eligible if their only service has been attendance at a service academy.
- i) In order to establish eligibility for this grant, an individual shall submit to ISAC an application and documentation of all periods of service.
- 1) An applicant should submit a copy of his or her Certificate of Release or Discharge From Active Duty (Form DD Form 214) or

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Discharge Certificate, which can be obtained from the National Personnel Records Center or the Illinois Department of Veterans' Affairs.

- 2) If the applicant does not have a copy of the DD Form 214, he/she she should submit documentation which provides the following information: date of entry, date of separation, character of service, total active service, home or place of entry into the service, and home or place of separation from the service. Such documentation must have been issued by the United States Department of Defense (DD) or the Veterans' Administration.
- 3) If the applicant is a member of the Armed Forces at the time of application, he/she shall submit a copy of the original and/or current Enlistment/Re-enlistment Document Enlistment Contract (Form--BB4/194/3) and a letter from the commanding officer. If--the-veteran-is-in-an-initial-enlistment--a-copy-of the-original-contract-must-be-provided. If the veteran is on an enlistment extension, copies of all extension contracts and a letter from the commanding officer a-copy-of-the-current-contract must be provided with the application as-well-as--copies--of--all extension--contracts. The letter from the commanding officer must indicate that the applicant is a member of the Armed Forces at the time of application, must include the veteran's home of record at the time of original enlistment, and must state the veteran's length of time in service and the expiration date of the current enlistment.
- 4) The definition of "Resident of Illinois" contained in 23 Ill. Adm. Code 2700.20 is applicable to the Illinois Veteran Grant Program although residency, for the purposes of this program, can be established in six months. If the applicant's DD Form 214 does not indicate Illinois residency when entering and/or separating from the Armed Forces, he/she she may verify residency by providing one or more of the documents listed below:
  - A) Illinois driver's license issued during the relevant six month period;
  - B) Illinois high school or college transcripts demonstrating attendance during the relevant six month period;
  - C) Utility bills/rent receipts in the applicant's name for the relevant six month period;
  - D) Illinois motor vehicle registration issued during the relevant six month period;
  - E) Residential lease in the applicant's name for the relevant six month period;
  - F) Statement of benefits history from the Illinois Department of Public Aid for the relevant six month period;
  - G) Statement of benefits from the Illinois Department of Employment Security for the relevant six month period;
  - H) State of Illinois identification card issued during the relevant six month period; or

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- I) Letter of employment verified by certification in accordance with Illinois law (see 735 ILCS 5/1-109) and printed on company letterhead.

(Source: Amended at 25 Ill. Reg. 8418--, effective July 1, 2001)

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- 1) Heading of the Part: Monetary Award Program (MAP)
- 2) Code Citation: 23 Ill. Adm. Code 2735
- 3) Section Numbers: Adopted Action:  
2735.30 Amendment  
2735.40 Amendment
- 4) Statutory Authority: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].
- 5) Effective Date of Amendments: July 1, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 26, 2001, 25 Ill. Reg. 1247
- 10) Has JCARE issued a Statement of Objections to these amendments? No
- 11) Differences between proposed and final version: None
- 12) Have all the changes agreed upon by the agency and JCARE been made as indicated in the agreement letter issued by JCARE? Yes
- 13) Will these amendments replace emergency amendments currently in effect?  
No
- 14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

In Section 2735.30, Program Procedures, a number of changes have been made

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to language describing the priority consideration dates and priority processing guidelines. The date by which applications must be received from continuing students in order for them to be considered for full year MAP awards has been extended from July 15 to August 15. While previously the Commission has been able to extend to this date on an ad hoc basis, it would like to make this change permanent in order to provide students and families with more certain information earlier in order to facilitate their college planning decisions. This change also required some additional minor wording modification, since August 15 may now be prior to the academic year, or in some cases, may fall during the academic year. In Section 2735.30(k), some superfluous language has been deleted, since it appeared to be out of context, and did not add to the meaning of the existing text.

The language in Section 2735.40(g) has been modified to better reflect the increased use of electronic processing for MAP. In the older, paper-oriented process, a separate written certification was submitted with each roster. With the newer electronic process, under the terms of the institution's participation agreement, by submitting a payment request, the institution is certifying the eligibility of the applicants for whom payment is being requested.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Thomas A. Breyer  
Deputy Program Officer  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield IL 60015  
(847) 948-8500  
email: tbreyer@isac.org

The full text of the adopted amendments begins on the next page:



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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2735

MONETARY AWARD PROGRAM (MAP)

Section	Summary and Purpose
2735.10	Applicant Eligibility
2735.20	Program Procedures
2735.30	Institutional Procedures
2735.40	Advance Payment Option
2735.50	Contractual Agreement Requirements (Repealed)
2735.60	Advance Payment Formula

APPENDIX A

AUTHORITY: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20857, effective January 1, 1986; amended at 11 Ill. Reg. 3225, effective January 29, 1987; amended at 11 Ill. Reg. 14134, effective August 10, 1987; amended at 12 Ill. Reg. 11546, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1735 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2735 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17864; amended at 14 Ill. Reg. 7242, effective May 1, 1990, amended at 16 Ill. Reg. 11296, effective July 1, 1992; emergency amendment at 16 Ill. Reg. 19237, effective November 23, 1992, for a maximum of 150 days; emergency expired on April 22, 1993; emergency amendment at 17 Ill. Reg. 6672, effective April 15, 1993, for a maximum of 150 days; emergency expired on September 18, 1993; amended at 17 Ill. Reg. 10596, effective July 1, 1993; amended at 17 Ill. Reg. 22576, effective January 1, 1994; amended at 19 Ill. Reg. 8369, effective July 1, 1995; amended at 20 Ill. Reg. 9227, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11184, effective July 18, 1997; amended at 22 Ill. Reg. 11149, effective July 1, 1998; amended at 23 Ill. Reg. 7592, effective July 1, 1999; amended at 24 Ill. Reg. 9187, effective July 1, 2000; amended at 25 Ill. Reg. 8424--, effective JUL 01 2001.

Section 2735.30 Program Procedures

- An application for a MAP grant must be submitted annually. An applicant uses the form which the United States Department of Education (ED) designates as an application form for federal student financial aid. (See Section 483 of the Higher Education Act of 1965, as amended (20 USC 1070a).)
- Applicants, spouses and the parents of applicants are required to submit financial information on the application which will be kept confidential, regarding income, asset value and non-taxable income

- Temporary Assistance for Needy Families, public aid, veterans' or Social Security benefits).
- Priority Consideration Dates
- In order to receive priority consideration for a full year award, an application from a student who had applied for a MAP grant for the previous regular school year must have a FAFSA receipt date of no later than August 15 of, or immediately prior to, the regular school year for which the application is being made. In order to receive priority consideration for a full year award, an application from a student who had not applied for a MAP grant for the previous regular school year must have a FAFSA receipt date of no later than September 30 of the regular school year for which the application is being made.

d) Priority Processing Guidelines

- Students who file applications will be considered for full or partial year MAP awards based on available funds and the following:
  - For applications with a FAFSA receipt date of no later than August 15 of or preceding the regular school year for which assistance is being requested, students who had not applied for a MAP award the previous regular school year and students who did apply for a MAP award the previous regular school year will both be considered for full year awards;
  - For applications with a FAFSA receipt date of August 16 or later, but no later than September 30, students who had not applied for MAP awards the previous regular school year will be considered for full year awards; while students who did apply for a MAP award the previous regular school year will be considered for second semester or second and third quarter awards only;
  - For applications with a FAFSA receipt date of October 1 or later, and until the date of final suspension of award announcements for that regular school year, all students will be considered for second semester/second and third quarter awards only.
- During the time periods referenced above, awards will be announced concurrently, both to students who had not applied for a MAP award the previous regular school year and to students who did apply for a MAP award during the previous regular school year. Award announcements will be made concurrently through the date of suspension of award announcements.
- If it becomes necessary to suspend the processing of award announcements in order to remain within appropriated funding levels, the suspension will be applied concurrently to students who had not applied for a MAP award for the previous regular school year and to students who did apply for a MAP award the previous regular school year.
- Corrections to applications received prior to the final

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suspension of award announcements will be processed and announced up to two months after the final suspension date or until the completion of the processing cycle, whichever comes first.

- e) Students eligible for second semester/second and third quarter awards who have a FAFSA receipt date of August 16 or later and who are graduating mid-year may request that their second semester/second or third quarter award be used for first semester/quarter.
- f) To the extent necessary to administer the program within the limits of the MAP appropriation, the Commission may adjust the priority consideration dates and the priority processing guidelines established by this Section.
- g) When an application is incomplete, a notice will be sent to the applicant. The applicant then has an opportunity to furnish the missing information; however, depending on processing schedules, the applicant may be considered only for subsequent term awards.
- h) Applicants are informed that they are MAP recipients on the basis of application data supplied to ISAC. ISAC will recalculate awards for those applicants whose applications are not in basic agreement with their financial records, after receipt of corrected data. All announced MAP recipients are subject to verification.
- i) The Commission shall annually establish and publicize guidelines for the release of or increase in MAP awards as additional funds become available.
- j) MAP grants are applicable only toward tuition and mandatory fees. MAP grants may not exceed the:
  - 1) maximum award specified at 110 ILCS 947/35(c); or
  - 2) institution's tuition and mandatory fee charges on file with ISAC.
- k) The maximum MAP grant available to a recipient attending a public community college is limited to the in-district tuition and mandatory fees. It is the recipient's responsibility to make arrangements to pay the additional costs incurred as an out-of-district student. The recipient is advised to contact the in-district community college and/or local high school regarding application procedures and deadline dates:
- l) Public community college award recipients shall be eligible for payment up to 19 hours (9.5 hours for half-time).
- m) A recipient may receive the equivalent of 10 semesters/15 quarters of full-time MAP grant payment (see 23 Ill. Adm. Code 2700.40(h)). Eligibility may be extended for one additional term if the recipient has accumulated fewer than 60 eligibility units but does not have enough units remaining for the number of hours that s/he is enrolled in for the term.
- n) Seniors in their last term of enrollment prior to receiving a baccalaureate degree and applicants enrolled in student teaching are classified as full-time students for purposes of MAP grant eligibility.
- o) The MAP grant shall not pay for academic programs intended to prepare

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- a student for the General Educational Development (GED) test or for a high school diploma. (See, e.g., 23 Ill. Adm. Code 215.)
- p) The MAP grant shall not pay for audit courses, credit-by-examination and/or life experience, noncredit course offerings (except qualifying remedial courses), or clock hour programs. Such course work cannot be used to meet the half-time or full-time requirement. Remedial courses shall be eligible for MAP payment provided the student has been accepted into an eligible degree/certificate program and is taking the remedial courses as part of that program. Payment shall not be made for more than the equivalent of one year of remedial course work (i.e., 30 semester hours or 45 quarter hours). Repeat courses shall be eligible for MAP payment.
  - q) If a recipient withdraws from enrollment after the expiration of the tuition refund/withdrawal adjustment period, the recipient shall receive MAP grant payment for tuition and mandatory fee costs incurred up to the term award provided the institution's tuition refund policy indicates the recipient has incurred charges in the amount of the claim.
  - r) Eligibility units are accumulated by a recipient whenever MAP funds are disbursed on behalf of the recipient. (See 23 Ill. Adm. Code 2700.40(h).)
  - s) MAP grant payment is subject to the limits of dollars appropriated to ISAC by the General Assembly.
  - t) It is the responsibility of MAP recipients to gain admission to approved Illinois institutions of higher learning. Illinois institutions of higher learning are not obligated to admit MAP recipients. The institution is obligated to provide MAP recipients the same facilities and instruction, on the same terms, as are provided to other students.
  - u) If a recipient's academic program involves out-of-state and/or foreign study, enrollment must be in accordance with subsection (j) and the following provisions:
    - 1) The recipient must be enrolled at the ISAC-approved institution of higher learning, and the out-of-state/foreign study must be applicable to the student's degree or certificate program at the student's institution of record.
    - 2) The ISAC-approved institution of higher learning must record the course credits on the official academic transcript as institutionally earned credit and not as transfer credit.
    - 3) The recipient must be enrolled full-time.
    - 4) An institution shall not request more than two semesters/three quarters of MAP assistance for any one qualified applicant.

(Source: Amended at 25 Ill. Reg. 8424, effective III 01 2001)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- a) MAP recipients must report to the institution all additional gift assistance that applies toward tuition and mandatory fees, such as tuition waivers and scholarships.
- b) If a MAP recipient receives other assistance targeted specifically for tuition and fees, the combined assistance shall not exceed the total tuition and fee expenses incurred.
- c) If an applicant is eligible for assistance under the Illinois National Guard (ING) Grant Program or the Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2730 and 2733), the applicant is not eligible for a full MAP grant because ING and IVG must be factored into the financial aid packaging prior to awarding MAP gift assistance. The institution may request payment of a partial MAP grant to finance fee expenses not covered by the above-referenced programs.
- d) If an applicant is eligible to receive tuition or fee benefits through a prepaid or reimbursable tuition plan other than the Illinois Prepaid Tuition Program, College Illinois! (23 Ill. Adm. Code 2775), or through a payment to the institution of higher learning by the applicant's employer, the institution of higher learning shall request MAP payment in accordance with this subsection:
- 1) A prepaid tuition plan is any program which exempts a student from tuition charges because of a payment(s) to the institution at a time prior to the student's enrollment. A reimbursable tuition plan is a program which reimburses a student for tuition costs after satisfactory completion of course work.
  - 2) The institution of higher learning shall recalculate the applicant's MAP eligibility by decreasing the applicant's tuition and fee charges by the amount of benefits the applicant is eligible to receive from the sources in subsection (d)(1) of this Section. The institution of higher learning shall report the applicant's reduced grant award on the payment request.
- e) The provisions of this Section shall not apply to benefits derived from the Baccalaureate Savings Act (110 ILCS 920) and 23 Ill. Adm. Code 2771.
- f) Notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's gift assistance may not exceed the cost of attendance used to calculate Title IV aid for that student. Any excess gift assistance is considered an overaward and the institution of higher learning is required to reduce the MAP award and/or other gift assistance to prevent such an overaward.
- g) Institutions of higher learning shall submit payment requests to ISAC. By submitting a payment request, the institution is certifying that the qualified applicants meet applicant meets the requirements of Section 2735.20, Applicant Eligibility.
- h) For any institution of higher learning which has concurrent registration opportunities, the following policy pertains:
- 1) The recipient must indicate his/her institution of record on the MAP application.
  - 2) The payment of the term award by ISAC will require the

## ILLINOIS STUDENT ASSISTANCE COMMISSION

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- institution of record to receive MAP payment on behalf of any other institution(s) and the institution of record shall distribute the appropriate share of the award to the other institution(s). Payment by ISAC will not be made to more than one institution.
- 3) The amount paid cannot exceed the maximum term award for full-time or half-time students at the institution of record, or the tuition and mandatory fee costs at the institution of record if the costs are less than the maximum term award.
  - 4) Concurrent registration is limited to ISAC-approved institutions of higher learning.
  - 5) The recipient's academic record(s) at the institution of record must document the total number of credit hours for which the student is enrolled.
- i) If an Illinois institution operates an out-of-state center, residents of Illinois enrolled in classes at the out-of-state center may receive MAP benefits in accordance with Section 2735.30(u).
  - j) If an announced recipient's credit hour enrollment decreases, the institution shall only request payment up to the amount of actual tuition and mandatory fee expenses incurred.
  - k) Upon receipt of a payment request from the institution of record, ISAC remits MAP grant funds to the institution of record on behalf of the recipient. The institution of record shall credit these funds to the recipient's account.
  - l) MAP grants are divided into two semester or three quarter regular term payments and are paid directly to the approved institution of record which certifies to ISAC that the applicant is an eligible recipient.
- 1) ISAC will annually establish priority claim dates for the return of payment request lists and inform schools of the required priority dates.
  - 2) Late payment requests will result in delayed processing of payments. Payment requests are processed in the sequence of receipt by ISAC and as funds are available.
  - 3) Institutions may submit their payment requests beginning ten days prior to the start of classes for the term for which they are requesting payment.
- m) Institutional Processing of Payments
- 1) Within 30 days after and including the date of receiving any MAP funds claimed or advanced pursuant to this Section, the institution shall credit the MAP funds against the recipients' tuition and mandatory fee charges for the appropriate term.
  - 2) Institutions are required to reconcile payments received through MAP. Any payments received by the institution that are determined in the reconciliation to be refunds payable to ISAC are to be processed and returned to ISAC no later than 60 days following the end of the academic term. Refunds may be caused by billing errors, retroactive withdrawals and other miscellaneous reasons. Should the payment arrive after the end of the term,



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- the institution will have 60 days following receipt of payment to complete the reconciliation process and return any refunds due.
- 3) Award payments made in the name of one recipient cannot be applied to another recipient at the same institution. A refund of the payment made must be submitted to ISAC, and a supplemental request for payment must be processed for the proper recipient.
  - 4) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests must be received by ISAC no later than August 1 due to the State's fiscal year lapse period ending August 31.
  - 5) Payment requests received after August 1 for the prior academic year will be processed as time and available funds permit; however, final action may require institutions to go to the Illinois Court of Claims to obtain payment for approved claims. (See the Court of Claims Act [705 ILCS 505].)
  - 6) If the institution does not submit refunds as required by this Section, ISAC will deduct outstanding refunds from subsequent institutional payment requests.

(Source: Amended at 25 Ill. Reg. 8424-3, effective 7/1/01)

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## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Student to Student (STS) Program of Matching Grants
- 2) Code Citation: 23 Ill. Adm. Code 2770
- 3) Section Numbers: 2770.30  
Adopted Action: Amendment
- 4) Statutory Authority: Implementing Section 65 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/65 and 20(f)].
- 5) Effective Date of Amendment: July 1, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 26, 2001, 25 Ill. Reg. 1256
- 10) Has JCAR issued a Statement of Objections to this amendment? No
- 11) Differences between proposed and final version: The only changes made were technical in nature.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

An amendment has been proposed to Section 2770.30(f) to increase the maximum allowable contribution which a student can make, from \$9 to \$12

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## NOTICE OF ADOPTED AMENDMENT

per academic year. Consideration of this change was suggested by the financial aid administrators representing the 12 public senior institutions in the State, citing the fact that the maximum contribution permitted has not been adjusted since the program's inception in 1970.

16) Information and questions regarding this adopted amendment shall be directed to:

Thomas A. Breyer  
Deputy Program Officer  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield IL 60015  
(847) 948-8500  
email: tbreyer@isac.org

The full text of the adopted amendment begins on the next page:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## PART 2770

STUDENT TO STUDENT (STS) PROGRAM OF MATCHING GRANTS

Section  
2770.10 Summary and Purpose  
2770.20 Applicant Eligibility  
2770.30 Program Procedures  
2770.40 Institutional Procedures

**AUTHORITY:** Implementing Section 65 and authorized by Section 20(f) of the Higher Education Student Assistance Act [10 ILCS 947/65 and 20(f)].

**SOURCE:** Adopted at 4 Ill. Reg. 6, p. 221, effective January 30, 1980; codified at 7 Ill. Reg. 9925; transferred from Chapter IX, 23 Ill. Adm. Code 1770 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2770 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17869; amended at 16 Ill. Reg. 11329, effective July 1, 1992; amended at 17 Ill. Reg. 10632, effective July 1, 1993; amended at 18 Ill. Reg. 10354, effective July 1, 1994; amended at 20 Ill. Reg. 9260, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11232, effective July 1, 1997; amended at 25 Ill. Reg. 8433, effective July 1, 1999.

## Section 2770.30 Program Procedures

- a) An eligible program is an organized, need-based monetary award (gift assistance) program for undergraduate students at an Illinois college or public university. The funds for those programs must be derived from voluntary contributions raised by students from students of that college or university according to a plan developed and approved by the students and consistent with college or university policies.
- b) Voluntary contributions can be obtained from graduate students; the assistance program, however, can aid only undergraduates. A portion of the total contribution can be used to aid graduate students. Funds set aside for graduate students will not be matched by ISAC.
- c) Students shall approve the plan for raising voluntary contributions by a majority of those voting in a campus-wide referendum.
- d) The contributions, to be eligible for matching funds, must be voluntary and optional (as contrasted to a nonrefundable fee or charge). Only those voluntary contributions made by enrolled students of the college or university are eligible for matching. If any fund-raising activity yields contributions from other individuals or organizations, the voluntary contributions by enrolled students must be clearly identifiable.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

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- e) Particular care must be employed in implementing contribution plans that generate contributions from nonstudents. The law leaves no latitude in this regard. Special cash receipt systems must be used to make certain that student contributions are clearly identifiable.
- f) No eligible contribution can exceed \$12 \$9 per academic year.
- g) The \$1,000 annual limit on an STS award shall be applicable to all terms, including the summer term.
- h) STS funds can be used for undergraduates who are otherwise eligible for an ISAC Monetary Award grant but have completed their 10 semesters or 15 quarters of eligibility.

(Source: Amended at 25 Ill. Reg. 8433 --, effective

July 1, 2001)

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## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Relocation Assistance Services and Payments Program for Airport Projects
- 2) Code Citation: 92 Ill. Adm. Code 12
- 3) Section Numbers:  
     12.10 New Section  
     12.20 New Section  
     12.30 New Section  
     12.40 New Section
- 4) Statutory Authority: Implementing Sections 28 and 29, and authorized by Sections 34a, 37 and 38, of the Illinois Aeronautics Act [620 ILCS 5/28, 29, 34a, 37 and 38]; by Section 5-675 of the Civil Administrative Code of Illinois (Part 9) [20 ILCS 5/5-675]; and by Sections 2a and 3 of the Displaced Person Relocation Act [310 ILCS 40/2a and 3].
- 5) Effective Date of Rules: June 22, 2001
- 6) Do these rules contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? Yes
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 30, 2001, 25 Ill. Reg. 4545
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will these rules replace any emergency rules currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (the Uniform Act) [42 USC 4601 et seq.] applies to all federal or federally assisted activities that involve the acquisition of real property or the displacements of persons caused by project rehabilitation, including construction or demolition activities. The Illinois Department of Transportation, Division of Aeronautics (the Division) is required to



DEPARTMENT OF TRANSPORTATION  
NOTICE OF ADOPTED RULES

adopt rules relative to relocation assistance and payments for property purchases in connection with airport projects for which the State intends to provide State or federal funds.

This Part assures prompt and equitable relocation and reestablishment of persons, businesses, farm operations and not for profit organizations displaced as a result of the acquisition of property for those airport projects. This Part establishes a means, through the incorporation by reference of pertinent materials, of providing relocation services and of making moving cost payments, replacement housing cost payments and other expense payments to persons or businesses displaced as a result of programs designed for the benefit of the public. The Federal Aviation Administration can deny funding unless Illinois has adopted correct procedures and the Department provides assurances that the federally mandated standards will be followed. This Part is also designed to comply with federal requirements and to obtain financial participation in federal projects.

This program requires the Division to follow procedures so that every individual displaced will have, or will have been offered, a comparable decent, safe and sanitary dwelling to move into upon being required to vacate the dwelling acquired. This Part also requires that relocation services be furnished and that payments be made to those who are required to relocate to compensate for, in whole or in part, costs incurred for moving, replacement housing and other expenses as described in the Part. Finally, this Part provides for a review procedure to encourage the amicable resolution of controversies that may arise concerning payments.

- 16) Information and questions regarding these adopted rules shall be directed to:

Mr. James Bildilli, Chief, Bureau of Airport Engineering  
Illinois Department of Transportation  
Division of Aeronautics  
#1 Langhorne Bond Drive  
Springfield, Illinois 62707  
(217) 785-8514

The full text of the adopted rules begins on the next page:

DEPARTMENT OF TRANSPORTATION  
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TITLE 92: TRANSPORTATION  
CHAPTER 1: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER b: AERONAUTICS

PART 12  
RELOCATION ASSISTANCE SERVICES AND PAYMENTS PROGRAM FOR  
AIRPORT PROJECTS

Section	Purpose
12.10	Definitions
12.20	Incorporation by Reference
12.30	Appeal Procedures

AUTHORITY: Implementing Sections 28 and 29, and authorized by Sections 34a, 37 and 38, of the Illinois Aeronautics Act [620 ILCS 5/28, 29, 34a, 37 and 38]; by Section 5-675 of the Civil Administrative Code of Illinois (Part 9) [20 ILCS 5/5-675]; and by Sections 2a and 3 of the Displaced Person Relocation Act [310 ILCS 40/2a and 3].

SOURCE: Adopted at 25 Ill. Reg. 8439-01, effective July 28, 2001.

Section 12.10 Purpose

The purpose of this Part is to establish policies and procedures for the Division of Aeronautics, Illinois Department of Transportation, when applying the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (the Uniform Act) (42 USC 4601 et seq.) to airport projects for which the State intends to provide State or federal financial assistance and that involve the displacement of persons, farm operators, or businesses. This Part establishes a means of providing relocation services and of making moving cost payments, replacement housing cost payments, and other expense payments to persons or businesses displaced as a result of programs designed for the benefit of the public. It is also designed to assure compliance with the federal requirements of the Uniform Act and the federal rules titled "Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs" (49 CFR 24, October 1, 1999) to assure federal participation on federally-aided projects.

Section 12.20 Definitions

The following definitions are in addition to those found in the incorporated material in Section 12.30 and apply for purposes of this Part:

"Chief of Airport Engineering" - means the Registered Professional Engineer acting as the Chief, Bureau of Airport Engineering, Division of Aeronautics, Illinois Department of Transportation. This term also

## DEPARTMENT OF TRANSPORTATION

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includes a designee.

"Department" - means the Illinois Department of Transportation.

"Director" - means the Director, Division of Aeronautics, Illinois Department of Transportation. This term also includes a designee.

"Division" - means the Illinois Department of Transportation, Division of Aeronautics.

"FAA" - means the United States Department of Transportation, Federal Aviation Administration.

"State" - means the State of Illinois or may mean the Illinois Department of Transportation.

"Uniform Act" - means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 USC 4601 et seq.).

## Section 12.30 Incorporation by Reference

This Part incorporates references that are the basis and guidelines for the development of the Division's policy for airport projects for which federal financial assistance may be requested and for relocation assistance services and payments for persons or businesses displaced as a result of those projects. The materials listed in subsections (a) and (b) of this Section are incorporated as a part of this Part and are effective as indicated, not including any later amendments or editions. Copies of the appropriate materials are available from the Division of Aeronautics, #1 Langhorne Bond Drive, Springfield, Illinois 62707, (217) 785-8514; or at [aeroent.dot.state.il.us](mailto:aeroent.dot.state.il.us).

- a) 49 CFR 24 - Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs, October 1, 1999 edition.
- b) U.S. Department of Transportation, Federal Aviation Administration - Land Acquisition and Relocation Assistance for Airport Projects, dated April 4, 1994, Order #5100.37A.

## Section 12.40 Appeal Procedures

- a) If a claim for payment is denied, in whole or in part, the Division will notify the displaced person or business in writing within 30 calendar days after receipt of the claim. This notification will also inform the person of the right to request a review of the denial by the Chief of Airport Engineering.
- b) A displaced person may file a written request for review within 60 calendar days after receipt of written notification denying the claim.

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The request for review shall be filed with the Chief of Airport Engineering at #1 Langhorne Bond Drive, Springfield, Illinois 62707, (217) 785-8514, Fax #: (217) 785-4533. If the displaced person does not file a request for review within 60 calendar days after receipt of written notification denying the claim, the displaced person shall be deemed to have waived his/her opportunity to file a request for review. In that case, the approved amount of the claim, if any, will be processed for payment.

- 1) The Division will consider a written request for review regardless of form. Upon receipt of the request for review, the Chief of Airport Engineering will assign a date and place for the review meeting. Written notification of the date and place will be provided to the displaced person in person or by certified mail, return receipt requested, at least 10 days prior to the scheduled date for review. The Chief of Airport Engineering will designate a person to conduct the review who was not directly involved in the action being reviewed.
- 2) Prior to the review, the displaced person will be permitted to inspect and copy all materials pertinent to his/her review in accordance with the Freedom of Information Act [5 ILCS 140].
- 3) The displaced person, or a representative, will be afforded a full opportunity to be heard and to present information or documentation in support of the claim for payment. Representation by another person will be at the sole expense of the displaced person.
- 4) The Chief of Airport Engineering will determine an appropriate payment based upon the facts presented and the law. Written notification of the decision by the Chief of Airport Engineering will be sent by certified mail, return receipt requested, within 15 calendar days after the date of the review.
- 5) If the Chief of Airport Engineering's decision upholds the denial of payment, in whole or in part, the written notification will detail the reasons supporting the denial and will also advise the displaced person of his/her right to request a final review by the Director if he/she is dissatisfied with the review findings of the Chief of Airport Engineering. If the displaced person does not request a final review within 15 calendar days after written notification of the denial has been sent by the Chief of Airport Engineering, the displaced person shall be deemed to have waived his/her opportunity to file a request for a final review.
  - A) A displaced person may request a final review, by notifying the Director in writing at the address provided in subsection (b) of this Section.
  - B) Upon receipt of the request for a final review, the Director will assign a date and place for the final review meeting. Written notification of the date and place of the final review will be delivered either in person or by certified mail, return receipt requested, at least 10 days prior to

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- the scheduled date for final review. The Director will designate a person to conduct the review who was not directly involved in the action being reviewed.
- C) The displaced person, or representative, will be afforded a full opportunity to be heard and to present information or documentation in support of the claim for payment. Representation by another person will be at the sole expense of the displaced person.
- D) The Director will determine the final disposition of the payment based upon the facts presented and the law. Written notification of the Director's decision and the reasons supporting his/her decision will be sent by certified mail, return receipt requested, within 15 calendar days after the date of the final review.
- E) The decision by the Director is final. The displaced person will be advised of his/her right to seek redress through judicial review.
- c) The Division will promptly resolve all appeals. However, the Director may extend any time period provided in this Part for up to 30 days upon written request from either the displaced person or the Chief of Airport Engineering.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Child Care
- 2) Code Citation: 89 Ill. Adm. Code 50
- 3) Section Numbers: Emergency Action:  
50.230 Amendment  
50.310 Amendment
- 4) Statutory Authority: Implementing Article I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].
- 5) Effective Date of Amendments: July 1, 2001
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable
- 7) Date filed with the Index Department: July 1, 2001
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: In accordance with 305 ILCS 5/9A-11 which says that the Department has authority to "take such other actions during a fiscal year as are necessary to ensure that child care benefits paid under this Article do not exceed the amounts appropriated for those child care benefits", these changes are being proposed due to the proposed fiscal 2002 budget.
- 10) A Complete Description of the Subject and Issues: These proposed amendments revise child care payment provisions.
- 11) Are there any other amendments pending on this Part: Yes
- | Section Numbers | Proposed Action | Illinois Register Citation |
|-----------------|-----------------|----------------------------|
| 50.510          | Amendment       | 25 Ill. Reg. 2549          |
| 50.520          | Amendment       | 25 Ill. Reg. 2549          |
| 50.530          | Amendment       | 25 Ill. Reg. 2549          |
| 50.540          | Amendment       | 25 Ill. Reg. 2549          |
| 50.550          | Amendment       | 25 Ill. Reg. 2549          |
| 50.560          | Amendment       | 25 Ill. Reg. 2549          |
| 50.570          | Amendment       | 25 Ill. Reg. 2549          |
| 50.580          | Amendment       | 25 Ill. Reg. 2549          |
- 12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.



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13) Information and questions regarding these amendments shall be directed to:

Ms. Susan Weir, Bureau Chief  
 Bureau of Administrative Rules and Procedures  
 Department of Human Services  
 100 South Grand Avenue East  
 3rd Floor Harris Bldg.  
 Springfield, Illinois 62762  
 217/785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begins on the next page:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES  
 CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
 SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 50  
 CHILD CARE

## SUBPART A: GENERAL PROVISIONS

Section  
 50.101 Incorporation by Reference  
 50.110 Participant Rights and Responsibilities  
 50.120 Notification of Available Services  
 50.130 Child Care Overpayments and Recoveries

## SUBPART B: APPLICABILITY

Section  
 50.210 Child Care  
 50.220 Method of Providing Child Care  
 50.230 Child Care Eligibility  
EMERGENCY  
 50.235 Income Eligibility Criteria  
 50.240 Qualified Provider  
 50.250 Additional Service to Secure or Maintain Child Care

## SUBPART C: PAYMENT FEES

Section  
 50.310 Fees for Child Care Services  
EMERGENCY  
 50.320 Maximum Annual Income and Parent Fee by Family Size, Income Level and Number of Children Receiving Care

## SUBPART D: CHILD CARE ABUSE AND NEGLECT

Section  
 50.410 Provider Eligibility  
 50.420 Payment for Child Care Services

## SUBPART E: GREAT START PROGRAM

Section  
 50.510 Great START Program  
 50.520 Method of Providing the Wage Supplement  
 50.530 Eligibility  
 50.540 Employer Responsibility  
 50.550 Notification of Eligibility

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF EMERGENCY AMENDMENTS

50.560 Phase-in of Wage Supplement Scale  
50.570 Wage Supplement Scale  
50.580 Evaluation

AUTHORITY: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9502, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 14961, effective November 10, 1997; emergency amendment at 22 Ill. Reg. 12816, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 21037, effective November 27, 1998; emergency amendment at 23 Ill. Reg. 10875, effective August 20, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 1058, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 6604, effective April 5, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 13987, effective September 1, 2000; amended at 24 Ill. Reg. 15423, effective October 10, 2000; emergency amendment at 25 Ill. Reg. 2735, effective February 5, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 8443, effective June 23, 2001; emergency amendment at 25 Ill. Reg. 8443, effective July 1, 2001, for a maximum of 150 days.

SUBPART B: APPLICABILITY

Section 50.230 Child Care Eligibility  
EMERGENCY

- a) Child care services are restricted to children under age 13 and to children under age 19 who are under court supervision or have physical or mental incapacities as documented by a statement from a local health provider or other health professional.
- b) Parents and other relatives eligible to receive child care services include:
  - 1) Recipients of Temporary Assistance for Needy Families (TANF) under Article IV of the Public Aid Code participating in work and training activities as specified in their personal plans for employment and self-sufficiency who have been approved for child care benefits by the Department and who meet the annual income ceilings in subsection (b)(2) of this Section.
  - 2) Working families, including teen parents while they attend school to obtain a high school degree or its equivalent, whose annual incomes do not exceed the following amounts by family size:

Family Size	Annual Income
2	\$17,663
3	\$21,819
4	\$25,975
5	\$30,131

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6 \$34,288  
7 \$35,067  
8 \$35,846

- 3) Subject to an annual allocation of \$7.5 million, families who do not receive TANF and need child care services in order to attend school or training (up to and including the acquisition of a Bachelor's Degree) and whose annual income does not exceed the annual income ceilings in subsection (b)(2) of this Section. Qualifying families are eligible to receive child care services needed to attend literacy and other adult basic education, English as a Second Language, GED preparation, and vocational training for up to 24 non-consecutive months with no work requirement, after which they must work a monthly average of at least 20 hours per week in paid employment. Child care provided to a teen parent to obtain a high school degree, or its equivalent, does not count against this 24-month limit. Qualifying families are eligible to receive child care services to attend a 2 or 4 year college degree program if they work a monthly average of at least 10 hours per week in paid employment or a monthly average of at least 20 hours per week in a combination of paid employment and unpaid, educationally-required work activities such as student teaching, an internship, a clinical, a practicum or an apprenticeship. Child care services shall be available during time periods that are reasonably related to the paid work, self-employment and education or training activity, including class hours and research, laboratory, library and transportation time. Families with a work requirement shall receive the same grace periods between jobs as persons who receive services pursuant to subsection (b)(2) of this Section. If a parent is claimed as a dependent by another person for federal income tax purposes, that parent is only eligible if his or her income when added to the income of the other person does not exceed the annual income ceiling in subsection (b)(2) of this Section for that family size. Enrollment for child care under this subsection (b)(3) will be stopped when the projected annual costs for enrolled participants reaches \$7.5 million.

- c) All families must be residents of Illinois.

- d) Payment for child care services to eligible parents may begin: Payment for child care services to eligible parents may begin on the first day of the month before the month in which the application is received by the Department or its agents.

- 1) the date the child care application is received by the Department or its agent, if care was provided at that time and all eligibility factors are met; or
- 2) on the date the child care provider actually begins providing child care services, if the application is received in advance of

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- services being provided.
- e) Eligibility ceases 30 ~~10~~ calendar days from the date of the termination notice sent to the parent by the Department or its agents following a determination of ineligibility.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 8443-3  
effective July 1, 2001, for a maximum of 150 days)

## SUBPART C: PAYMENT FEES

## Section 50.310 Fees for Child Care Services

EMERGENCY

All parents must share in the cost of child care as illustrated in Section 50.320. All parents must share in the cost of child care as illustrated in Section 50.320. If care is for less than 5 hours per day, the parent share is 50% of the amount shown, rounded up to the nearest cent. These parent fees will be explained to parents beginning in July 1997 and will be collected beginning in October 1997.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 8443-3  
effective July 1, 2001, for a maximum of 150 days)

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act
- 2) Code Citation: 86 Ill. Adm. Code 530
- 3) Section Numbers: Emergency Action:  
530.101 Amendment  
530.110 Amendment
- 4) Statutory Authority: 320 ILCS 25/3.15 (see Public Act 92-0010 (effective June 11, 2001))

- 5) Effective Date of Emergency Amendment: July 1, 2001

- 6) If this Emergency Amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

- 7) Date filed with the Index Department: July 1, 2001

- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Reason for Emergency: Enactment of Public Act 92-0010 authorizes pharmaceutical assistance coverage for the treatment of osteoporosis beginning July 1, 2001.

- 10) A complete Description of the Subjects and Issues Involved: Section 530.101: Expands the list of diseases for which pharmaceutical assistance coverage will become available to include osteoporosis as a result of Public Act 92-0010 beginning July 1, 2001.

Section 530.110: Adds a new category of therapeutic drugs for the treatment of osteoporosis for which expanded pharmaceutical assistance coverage will become available as a result of Public Act 92-0010 beginning July 1, 2001.

- 11) Are there any proposed amendments to this Part pending? No

- 12) Statement of Statewide Policy Objectives: This rulemaking neither imposes a State mandate, nor modifies an existing mandate.

- 13) Information and questions regarding this Emergency Amendment shall be directed to:

Karen Alice Kloppe  
Associate Counsel - Property Tax  
Illinois Department of Revenue



## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

101 West Jefferson  
Springfield, Illinois 62794  
(217) 782-6996

The full text of the Emergency Amendments begins on the next page:

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUE

## PART 530

SENIOR CITIZENS AND DISABLED PERSONS PROPERTY TAX RELIEF AND PHARMACEUTICAL  
ASSISTANCE ACT

## Section

530.101 Purpose of the Pharmaceutical Assistance Program

EMERGENCY

530.105 Definitions

530.110 Covered Prescription Drugs

EMERGENCY

530.115 Eligibility Qualifications

530.116 Fees and Co-payments

530.117 Claim Filing Procedures

530.120 Cards

530.125 Determination of Cost of Covered Prescription Drugs

530.130 Authorized Pharmacy Qualifications

530.135 Assignment and Coordination of Benefits

530.140 Payments to Authorized Pharmacies

530.145 Execution of Contracts

530.150 Limitation on Prescription Size

530.155 Inspection of Records

530.160 Establishment of Liens

530.165 Penalties

**AUTHORITY:** Implementing the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act [320 ILCS 25].

**SOURCE:** Adopted at 11 Ill. Reg. 20978, effective December 15, 1987; amended at 13 Ill. Reg. 1589, effective January 18, 1989; amended at 17 Ill. Reg. 11566, effective July 8, 1993; amended at 22 Ill. Reg. 19929, effective October 28, 1998; amended at 24 Ill. Reg. 17562, effective November 16, 2000; emergency amendment at 25 Ill. Reg. 8449, effective July 1, 2001, for a maximum of 150 days.

Section 530.101 Purpose of the Pharmaceutical Assistance Program

EMERGENCY

The Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act (Act) [320 ILCS 25] provides for the establishment of a program of pharmaceutical assistance to be administered by the Illinois Department of Revenue. The purpose for this program is to enable low-income senior citizens and disabled persons to afford medication for the treatment of heart disease and its related conditions, diabetes, arthritis, and, beginning January 1, 2001, cancer, Alzheimer's disease, Parkinson's disease, glaucoma, and lung disease and smoking related illnesses; and,

## DEPARTMENT OF REVENUE

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

## NOTICE OF EMERGENCY AMENDMENTS

beginning July 1, 2001, osteoporosis.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 8449, effective July 1, 2001, for a maximum of 150 days)

Section 530.110 Covered Prescription DrugsEMERGENCY

a) Drugs, which fall within the following categories and are prescribed by a physician licensed to practice medicine in all of its branches pursuant to the Medical Practice Act of 1987 [225 ILCS 60], physician assistant licensed pursuant to the Physician Assistant Practice Act of 1987 [225 ILCS 95], or advanced practice nurse licensed pursuant to Title 15 of the Nursing and Advanced Practice Nursing Act [225 ILCS 65/Title 15] for treatment of heart disease and its related conditions, qualify for inclusion in the Pharmaceutical Assistance Program as covered prescription drugs:

- 1) Antihypertensive
- 2) Antianginal
- 3) Antiarrhythmic
- 4) Antiherpetic
- 5) Beta Blocker
- 6) Digitalis Glycosides
- 7) Hypertension/Shock
- 8) Diuretics
- 9) Potassium
- 10) Anticoagulants

b) Drugs purchased on or after January 1, 1987, which fall within the following categories and are prescribed by a physician licensed to practice medicine in all of its branches pursuant to the Medical Practice Act of 1987, physician assistant licensed pursuant to the Physician Assistant Practice Act of 1987, or advanced practice nurse licensed pursuant to Title 15 of the Nursing and Advanced Practice Nursing Act for the treatment of diabetes, qualify for inclusion in the Pharmaceutical Assistance Program as covered prescription drugs:

- 1) Insulin
- 2) Insulin, Syringes & Needles
- 3) Oral Hypoglycemics
- 4) Pituitary Hormones
- 5) Glucose Elevators

c) Drugs purchased on or after January 1, 1987, which fall within the following categories and are prescribed by a physician licensed to practice medicine in all of its branches pursuant to the Medical Practice Act of 1987, physician assistant licensed pursuant to the Physician Assistant Practice Act of 1987, or advanced practice nurse licensed pursuant to Title 15 of the Nursing and Advanced Practice Nursing Act for the treatment of arthritis, qualify for inclusion in the Pharmaceutical Assistance Program as covered prescription drugs:

- 1) Hormones/Adrenal Cortical Steroids
- 2) Analgesics/Antirheumatic
- 3) Analgesics/Nonopioid Agonists
- 4) Antiprotazoals
- 5) Penicillamine
- 6) Analgesics/Narcotic Antagonists: Gout
- 7) Oncolytic/Antineoplastic: Antimetabolites
- 8) Immunosuppressives

d) Drugs purchased on or after January 1, 2001, which fall within the following categories and are prescribed by a physician licensed to practice medicine in all of its branches pursuant to the Medical Practice Act of 1987, physician assistant licensed pursuant to the Physician Assistant Practice Act of 1987, or advanced practice nurse licensed pursuant to Title 15 of the Nursing and Advanced Practice Nursing Act for the treatment of cancer, qualify for inclusion in the Pharmaceutical Assistance Program as covered prescription drugs:

- 1) Alkylating Agents
- 2) Antimetabolites
- 3) Antimitotic Agents
- 4) Epipodophyllotoxins
- 5) Antibiotics
- 6) Hormones
- 7) Enzymes
- 8) Platinum Coordination Complex
- 9) Anthracenedione
- 10) Substituted Ureas
- 11) Methyldiazine Derivatives
- 12) Cytoprotective Agents
- 13) DNA Topoisomerase Inhibitors
- 14) Biological Response Modifiers
- 15) Retinoids
- 16) Monoclonal Antibodies
- 17) Miscellaneous Antineoplastics
- 18) Narcotic Agonist Analgesics
- 19) Narcotic Analgesic Combinations
- 20) Anticonvulsants

e) Drugs purchased on or after January 1, 2001, which fall within the following categories and are prescribed by a physician licensed to practice medicine in all of its branches pursuant to the Medical Practice Act of 1987, physician assistant licensed pursuant to the Physician Assistant Practice Act of 1987, or advanced practice nurse licensed pursuant to Title 15 of the Nursing and Advanced Practice Nursing Act for the treatment of Alzheimer's disease, qualify for inclusion in the Pharmaceutical Assistance Program as covered prescription drugs:

- 1) Cholinesterase Inhibitors
- 2) Antipsychotics

f) Drugs purchased on or after January 1, 2001, which fall within the

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

following categories and are prescribed by a physician licensed to practice medicine in all of its branches pursuant to the Medical Practice Act of 1987, physician assistant licensed pursuant to the Physician Assistant Practice Act of 1987, or advanced practice nurse licensed pursuant to Title 15 of the Nursing and Advanced Practice Nursing Act for the treatment of Parkinson's disease, qualify for inclusion in the Pharmaceutical Assistance Program as covered prescription drugs:

- 1) Anticholinergics
- 2) Amantadine
- 3) Bromocriptine Mesylate
- 4) Carbidopa
- 5) Levodopa
- 6) Levodopa and Carbidopa
- 7) Pergolide Mesylate
- 8) Selegiline Hydrochloride
- 9) Entacapone
- 10) Tolcapone
- 11) Dopaminergics
- 12) Clonazepam
- 13) Alpha-2 Adrenergic Agonists
- 14) Sympathomimetics
- 15) Alpha-Adrenergic Blocking Agents
- 16) Beta-Adrenergic Blocking Agents
- 17) Miotics, Direct Acting
- 18) Miotics, Cholinesterase Inhibitors
- 19) Carbonic Anhydrase Inhibitors
- 20) Prostaglandin Agonists
- 21) Miscellaneous Combinations

h) Drugs purchased on or after January 1, 2001, which fall within the following categories and are prescribed by a physician licensed to practice medicine in all of its branches pursuant to the Medical Practice Act of 1987, physician assistant licensed pursuant to the Physician Assistant Practice Act of 1987, or advanced practice nurse licensed pursuant to Title 15 of the Nursing and Advanced Practice Nursing Act for the treatment of lung disease and smoking related illnesses, qualify for inclusion in the Pharmaceutical Assistance Program as covered prescription drugs:

## NOTICE OF EMERGENCY AMENDMENTS

## DEPARTMENT OF REVENUE

- 1) Sympathomimetic Bronchodilators
- 2) Diluents
- 3) Xanthine Derivatives
- 4) Anticholinergic Bronchodilators
- 5) Leukotriene Receptor Antagonists
- 6) Leukotriene Formation Inhibitors
- 7) Corticosteroid Respiratory Inhalants
- 8) Mucolytics
- 9) Mast Cell Stabilizers
- 10) Respiratory Enzymes
- 11) Digestive Enzymes
- 12) Antiasthmatic Combinations
- 13) Antituberculous Agents
- 14) Zyxin
- 15) Nicotine

i) Drugs purchased on or after July 1, 2001, which fall within the following categories and are prescribed by a physician licensed to practice medicine in all of its branches pursuant to the Medical Practice Act of 1987, physician assistant licensed pursuant to the Physician Assistant Practice Act of 1987, or advanced practice nurse licensed pursuant to Title 15 of the Nursing and Advanced Practice Nursing Act for the treatment of osteoporosis, qualify for inclusion in the Pharmaceutical Assistance Program as covered prescription drugs:

- 1) Bisphosphonates
- 2) Selective Estrogen Receptor Modulators
- 3) Polypeptide Hormones

j) The specific covered prescription drugs which fall within each category will be listed in a handbook to be prepared and disseminated on the internet Web site of the Department. Updates regarding changes in the categories and specific covered prescription drugs will be made as necessary.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. effective July 1, 2001, for a maximum of 150 days)

8449



## CARNIVAL-AMUSEMENT SAFETY BOARD

## JULY 2001 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Carnival and Amusement Rides Safety Act, 56 Ill. Adm. Code 6000.300

1) Rulemaking:

A) Description: The Carnival-Amusement Safety Board will be reviewing Section 6000.300 of rules to evaluate the present requirements for Go-Karts, Dune Buggies and all terrain vehicles against the latest industry accepted guidelines.

B) Statutory Authority: 430 ILCS 85/2-6

C) Schedule of meetings and hearing dates: The date of the public hearing will be announced at the time the Notice of Proposed Amendments is published.

D) Date agency anticipates First Notice: February 2002

E) Affect on small businesses, small municipalities or not-for-profit corporations: Yes, but will not adversely affect those tracks which are already doing business.

F) Information concerning this regulatory agenda shall be directed to:

Name: Carl Kimble, P.E.  
Chief Inspector  
Address: Illinois Department of Labor  
1 W. Old State Capitol Plaza, Room 300  
Springfield, IL 62701  
Phone: (217) 782-9347

G) Related rulemaking and other pertinent information: None

2) Rulemaking:

A) Description: The Carnival-Amusement Safety Board will be reviewing the signage requirements for amusement rides and amusement attractions.

B) Statutory Authority: 430 ILCS 85/2-6

C) Schedule of meetings and hearing dates: The date of the public hearing will be announced at the time the Notice of Proposed Amendments is published.

D) Date agency anticipates First Notice: February 2002

## CARNIVAL-AMUSEMENT SAFETY BOARD

## JULY 2001 REGULATORY AGENDA

E) Affect on small business, small municipalities or not-for-profit corporations: Yes, but will not adversely affect those tracks which are already doing business.

F) Information concerning this regulatory agenda shall be directed to:

Name: Carl Kimble, P.E.  
Chief Inspector  
Address: Illinois Department of Labor  
1 W. Old State Capitol Plaza, Room 300  
Springfield, IL 62701  
Phone: (217) 782-9347

G) Related rulemaking and other pertinent information: None

## DEPARTMENT OF LABOR

## JULY 2001 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Health and Safety, 56 Ill. Adm. Code 350.

1) Rulemaking:

A) Description: The proposed rulemaking will update the Illinois Department of Labor's (IDOL) occupational safety and health standards. Section 4 (d) of the Health and Safety Act requires IDOL to adopt all federal occupational safety and health standards (OSH rules) the U.S. Secretary of Labor promulgates, modifies or revokes, within 60 days of their effective date unless the State already has in place alternative rules that are at least as effective as the OSH rules. See 820 ILCS 225/4 (d) (2000). Since 1985, IDOL has incorporated by reference all final OSH rules published in 29 CFR 1910, 1915 and 1926. Adoption of these rules ensures that public sector workers are provided with the same level of protection that is afforded to private sector workers within the State.

B) Statutory Authority: Safety Inspection and Education Act (SIEA), 820 ILCS 220/2 (k) (2000) and Health and Safety Act (HSA), 820 ILCS 225/4 and 7 (2000).

C) Scheduled meeting/hearing date: Not yet determined.

D) Date agency anticipates First Notice: Not yet determined.

E) Affect on small businesses, small municipalities or not for profit corporations: Private employers are not affected by the proposed rulemaking. The proposal does, however, affect the State of Illinois and its political subdivisions. See SIEA, 820 ILCS 220/2 (a); HSA, 820 ILCS 225/2; 56 Ill. Adm. Code 350.20 (b). See also AFSCME v. Bernardi, Case No. 85 CH 11947 (Cook County Cir. Ct., May 25, 1985) (commanding IDOL to include units of local government within the regulatory definition of "employer").

Costs associated with compliance are related to correcting work site safety and health hazards. They will have a direct and positive impact within the public sector work force.

The public sector will realize savings resulting from fewer workplace injuries and occupational diseases, lower replacement employee costs, and increased employee productivity due to fewer lost work days and a healthier work force.

Section 4 (e) of the HSA, and the rules thereunder at 56 Ill. Adm. Code 350.190, allow public sector employers to petition for variance from standards when compliance cannot be achieved because

## DEPARTMENT OF LABOR

## JULY 2001 REGULATORY AGENDA

of factors beyond their control.

F) Agency contact person for information:

William Rolando  
Assistant Director  
Illinois Department of Labor  
One West Old State Capitol Plaza  
Room 300  
Springfield, Illinois 62701  
217/782-1704

G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF TRANSPORTATION

## JULY 2001 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Prequalification of Contractors and Issuance of Plans and Proposals; 44 Ill. Adm. Code 650

1) Rulemaking:

- A) Description: The Department will be revising Section 650.240, Performance Factor, to allow for a more objective and accurate review of contractor performance.

- B) Statutory Authority: 30 ILCS 500/5-25 and 500/20-45 and 605 ILCS 5/4-103 and 5/4-201.1

- C) Scheduled meeting/hearing date: None scheduled

- D) Date agency anticipates First Notice: Within six months

- E) Effect on small businesses, small municipalities or not for profit corporations: These revisions will not affect small businesses.

F) Agency contact person for information:

Name: Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
Office of Chief Counsel, Room 300  
Address: 2300 South Dirksen Parkway  
Springfield, IL 62764  
Telephone: (217) 782-3215

- G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Aviation Safety; 92 Ill. Adm. Code 14

1) Rulemaking:

- A) Description: The Department will be repealing the existing Part and adopting a new Part with added clarifications of language.

- B) Statutory Authority: 620 ILCS 5/28, 42(3) and 47

- C) Scheduled meeting/hearing date: None scheduled

- D) Date agency anticipates First Notice: Within six months

- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will not affect small

## DEPARTMENT OF TRANSPORTATION

## JULY 2001 REGULATORY AGENDA

businesses.

F) Agency contact person for information:

Name: Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
Office of Chief Counsel, Room 300  
Address: 2300 South Dirksen Parkway  
Springfield, IL 62764  
Telephone: (217) 782-3215

- G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Airport Land Loan Program; 92 Ill. Adm. Code 15

1) Rulemaking:

- A) Description: The Department will make clarifications to this rule.

- B) Statutory Authority: 620 ILCS 5/34b

- C) Scheduled meeting/hearing date: None scheduled

- D) Date agency anticipates First Notice: Within six months

- E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
Office of Chief Counsel, Room 300  
Address: 2300 South Dirksen Parkway  
Springfield, IL 62764  
Telephone: (217) 782-3215

- G) Related rulemakings and other pertinent information: None

- d) Part(s) (Heading and Code Citation): Signing to Traffic Generators and Motorist Services; 92 Ill. Adm. Code 552

1) Rulemaking:

- A) Description: This rule will be repealed since portions of it have been superseded by 92 Ill. Adm. Code 541 and 542.



## DEPARTMENT OF TRANSPORTATION

## JULY 2001 REGULATORY AGENDA

- B) Statutory Authority: 605 ILCS 5/4-201.12
- C) Scheduled meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will not impact small businesses.
- F) Agency contact person for information:
- Name: Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
Office of Chief Counsel, Room 300  
Address: 2300 South Dirksen Parkway  
Springfield, IL 62764  
Telephone: (217) 782-3215
- G) Related rulemakings and other pertinent information: None
- e) Part(s) (Heading and Code Citation): Financing of Traffic Control Signal Installation, Modernization, Maintenance, and Operation on Streets and Highways Under State Jurisdiction; 92 Ill. Adm. Code 544
- 1) Rulemaking:
- A) Description: Portions of the rule will be revised to clarify and update installation and maintenance financial responsibility with local agencies.
- B) Statutory Authority: 605 ILCS 5/4-201.1 and 4-201.12
- C) Scheduled meeting/hearing date: Unknown at this time
- D) Date agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities or not for profit corporations: Small municipalities may be impacted but small businesses will not be.
- F) Agency contact person for information:
- Name: Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
Office of Chief Counsel, Room 300  
Address: 2300 South Dirksen Parkway  
Springfield, IL 62764

## DEPARTMENT OF TRANSPORTATION

## JULY 2001 REGULATORY AGENDA

- Telephone: (217) 782-3215
- G) Related rulemakings and other pertinent information: None
- f) Part(s) (Heading and Code Citation): Illinois Cycle Rider Safety Training Rules; 92 Ill. Adm. Code 455
- 1) Rulemaking:
- A) Description: The Department will update this rulemaking.
- B) Statutory Authority: 625 ILCS 35
- C) Scheduled meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
Office of Chief Counsel, Room 300  
Address: 2300 South Dirksen Parkway  
Springfield, IL 62764  
Telephone: (217) 782-3215
- G) Related rulemakings and other pertinent information: None
- g) Part(s) (Heading and Code Citation): Diesel Emission Inspection Program; 92 Ill. Adm. Code 460
- 1) Rulemaking:
- A) Description: The Department will update provisions in this Part.
- B) Statutory Authority: 625 ILCS 5/13-109.1 and 13-114
- C) Scheduled meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect small businesses that own or operate diesel-powered vehicles

## DEPARTMENT OF TRANSPORTATION

## JULY 2001 REGULATORY AGENDA

regulated by this Part. It will also affect Official Testing Stations that are classified as small businesses and that inspect diesel-powered vehicles.

F) Agency contact person for information:

Name: Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
Office of Chief Counsel, Room 300  
2300 South Dirksen Parkway  
Springfield, IL 62764  
Telephone: (217) 782-3215

G) Related rulemakings and other pertinent information: None

## POLLUTION CONTROL BOARD

## NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/28.1(d)(3)

LISTINGS OF ADJUSTED STANDARDS AND COMBINED SEWER OVERFLOW EXCEPTIONS GRANTED  
BY THE BOARD DURING FISCAL YEAR 2001

Section 28.1(d)(3) of the Environmental Protection Act (Act) (415 ILCS 5/28.1(d)(3) (1996)) requires the Board to annually publish in the *Illinois Register* and *Environmental Register* a listing of all determinations made pursuant to Section 28.1 at the end of each fiscal year. This notice sets forth all adjusted standard and combine sewer overflow exception determinations made by the Board during the fiscal year 2001 (July 1, 2000, through June 30, 2001).

Final Actions Taken by the Pollution Control Board in Adjusted Standards  
Proceedings During Fiscal Year 2001 (July 1, 2000, through June 30, 2001)Docket/Docket Title

In the Matter Of: Petition of Borden Chemicals & Plastics Operating Limited Partnership for an Adjusted Standard from 35 Ill. Adm. Code 304.105 as it Applies to 35 Ill. Adm. Code 302.211 (B)-(E) (October 19, 2000), AS 01-04

Final Determination

The Board entered an order dismissing this petition for an adjusted standard from the general use water quality standards for temperature for Borden's facility in Illiopolis, Sangamon County. Petitioner failed to file the certificate of publication within fourteen days as required by Section 28.1(d)(1) of the Environmental Protection Act.

In the Matter Of: Petition of Illinois-American Water Company's Alton Public Water Supply Replacement Facility Discharge to the Mississippi River for Adjusted Standard From 35 Ill. Adm. Code 304.124, 304.106, and 302.203 (September 7, 2000, 1999), AS 99-06

The Board granted this Madison County facility an adjusted standard, subject to conditions, from the effluent discharge requirements in 35 Ill. Adm. Code 302.203, 304.106, and 304.124 subject to conditions. The Board denied petitioner's request for an adjusted standard from Section 304.124 of the Board's rules as it applies to iron as unnecessary.

In the Matter Of: Petition of Bema Film Systems, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 218.401(a), (b), and (c) (the "Flexographic Printing Rule") (January 18, 2001), AS 00-11

The Board granted this DuPage County facility an adjusted standard, subject to conditions, from the volatile organic material emission control requirements found at 35 Ill. Adm. Code 218.401(a), (b), and (c).

## POLLUTION CONTROL BOARD

## NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/28.1(d)(3)

In the Matter Of: Petition of Vonco Products, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 218.401(a), (b), and (c) (the "Flexographic Printing Rule") (January 18, 2001), AS 00-12

In the Matter Of: Petition of Formel Industries, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 218.401(a), (b), and (c) (the "Flexographic Printing Rule") (January 18, 2001), AS 00-13

In the Matter Of: Petition of Heritage Environmental Services, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 702.126(d)(1) (February 1, 2001), AS 00-15

In the Matter Of: Petition of The City of Geneva for an Adjusted Standard from 35 Ill. Adm. Code 807.104 (May 17, 2001), AS 01-02

The Board granted this Lake County facility an adjusted standard, subject to conditions, from the volatile organic material emission control requirements found at 35 Ill. Adm. Code 218.401(a), (b), and (c).

The Board granted this Cook County facility an adjusted standard, subject to conditions, from the volatile organic material emission control requirements found at 35 Ill. Adm. Code 218.401(a), (b), and (c).

The Board granted this Cook County facility an adjusted standard, subject to conditions, from certain requirements concerning certification of landfill permit applications found at 35 Ill. Adm. Code 702.126(d)(1).

The Board denied this Kane County petitioner's request for an adjusted standard from the Board's waste disposal regulations, finding that Geneva had not demonstrated that an adjusted standard was warranted considering the factors of Section 28.1 of the Act.

**Final Actions Taken by the Pollution Control Board in Combine Sewer Overflow Exception Proceedings During Fiscal Year 2001 (July 1, 2000, through June 30, 2001)**

The Board took no action in combined sewer overflow exception proceedings during fiscal year 2001.

Please address written comments or requests for copies, including the appropriate docket number, to:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312-814-3620

Please address questions concerning this notice including the appropriate

## POLLUTION CONTROL BOARD

## NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/28.1(d)(3)

docket number, to:

Erin Conley  
Pollution Control Board  
600 S. Second St. Suite 402  
Springfield, Illinois 62704  
217-782-2471  
conleye@pcb.state.ilq.us



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## NEXT TENTATIVELY SCHEDULED MEETING:

JAMES R. THOMPSON CENTER  
ROOM 16-503  
CHICAGO, ILLINOIS  
10:30 A.M.  
JULY 10, 2001

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting and items from the list can be postponed to future meetings.

*If members of the public wish to express their views with respect to a rulemaking, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

*Joint Committee on Administrative Rules  
700 Stratton Office Building  
Springfield, Illinois 62706  
Email: jcar@legis.state.il.us  
Phone: 217/785-2254*

## RULEMAKINGS CURRENTLY BEFORE JCAR

## PROPOSED RULEMAKINGS

Central Management Services

1. Pay Plan (80 Ill Adm Code 310)  
-First Notice Published: 25 Ill Reg 4316 - 3/30/01  
-Expiration of Second Notice: 7/12/01
2. Local Government Health Plan (80 Ill Adm Code 2160)  
-First Notice Published: 25 Ill Reg 2941 - 2/23/01  
-Expiration of Second Notice: 7/30/01

Children and Family Services

3. Services Delivered by the Department of Children and Family Services (89 Ill Adm Code 302)  
-First Notice Published: 25 Ill Reg 4065 - 3/23/01  
-Expiration of Second Notice: 7/15/01

Commerce Commission

4. Uniform Electric Fuel Adjustment (83 Ill Adm Code 425)  
-First Notice Published: 25 Ill Reg 4067 - 3/23/01  
-Expiration of Second Notice: 8/4/01

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## NEXT TENTATIVELY SCHEDULED MEETING:

JAMES R. THOMPSON CENTER  
ROOM 16-503  
CHICAGO, ILLINOIS  
10:30 A.M.  
JULY 10, 2001

Health Facilities Planning Board

5. Processing, Classification Policies and Review Criteria (77 Ill Adm Code 1110)  
-First Notice Published: 24 Ill Reg 18474 - 12/22/00  
-Expiration of Second Notice: 7/28/01
6. Processing, Classification Policies and Review Criteria (77 Ill Adm Code 1110)  
-First Notice Published: 25 Ill Reg 2509 - 2/16/01  
-Expiration of Second Notice: 8/3/01
7. Narrative and Planning Policies (77 Ill Adm Code 1100)  
-First Notice Published: 24 Ill Reg 18464 - 12/22/00  
-Expiration of Second Notice: 7/28/01
8. Narrative Planning Policies (77 Ill Adm Code 1100)  
-First Notice Published: 25 Ill Reg 2503 - 2/16/01  
-Expiration of Second Notice: 8/3/01
9. Health Facilities Planning Procedural Rules (77 Ill Adm Code 1130)  
-First Notice Published: 25 Ill Reg 2492 - 2/16/01  
-Expiration of Second Notice: 8/3/01

Human Services

10. Treatment and Habilitation Services (59 Ill Adm Code 112)  
-First Notice Published: 25 Ill Reg 4086 - 3/23/01  
-Expiration of Second Notice: 7/14/01
11. Alcoholism and Substance Abuse Treatment and Intervention Licenses (77 Ill Adm Code 2060)  
-First Notice Published: 25 Ill Reg 4742 - 4/6/01  
-Expiration of Second Notice: 7/21/01
12. Temporary Assistance for Needy Families (89 Ill Adm Code 112)  
-First Notice Published: 25 Ill Reg 4380 - 3/30/01  
-Expiration of Second Notice: 7/14/01
13. Temporary Assistance for Needy Families (89 Ill Adm Code 112)  
-First Notice Published: 25 Ill Reg 5203 - 4/13/01  
-Expiration of Second Notice: 7/21/01

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## NEXT TENTATIVELY SCHEDULED MEETING:

JAMES R. THOMPSON CENTER  
ROOM 16-503  
CHICAGO, ILLINOIS  
10:30 A.M.  
JULY 10, 2001

14. Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113)  
-First Notice Published: 25 Ill Reg 5162 - 4/13/01  
-Expiration of Second Notice: 7/21/01
15. General Assistance (89 Ill Adm Code 114)  
-First Notice Published: 25 Ill Reg 4795 - 4/6/01  
-Expiration of Second Notice: 7/13/01
16. General Assistance (89 Ill Adm Code 114)  
-First Notice Published: 25 Ill Reg 5188 - 4/13/01  
-Expiration of Second Notice: 7/21/01
17. Food Stamps (89 Ill Adm Code 121)  
-First Notice Published: 25 Ill Reg 3347 - 3/9/01  
-Expiration of Second Notice: 7/13/01
18. Food Stamps (89 Ill Adm Code 121)  
-First Notice Published: 25 Ill Reg 5175 - 4/13/01  
-Expiration of Second Notice: 7/21/01
19. Definitions of the Terms "Noncancellable," "Noncancellable and Guaranteed Renewable," and "Guaranteed Renewable" (50 Ill Adm Code 2003)  
-First Notice Published: 25 Ill Reg 3349 - 3/9/01  
-Expiration of Second Notice: 7/15/01
20. Health and Safety (56 Ill Adm Code 350)  
-First Notice Published: 25 Ill Reg 5805 - 5/4/01  
-Expiration of Second Notice: 8/2/01
21. Statewide Displaced Homemakers Program (56 Ill Adm Code 365)  
-First Notice Published: 25 Ill Reg 5701 - 4/27/01  
-Expiration of Second Notice: 8/2/01
22. Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting (17 Ill Adm Code 550)

Natural Resources

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## NEXT TENTATIVELY SCHEDULED MEETING:

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CHICAGO, ILLINOIS  
10:30 A.M.  
JULY 10, 2001

- First Notice Published: 25 Ill Reg 5236 - 4/13/01  
-Expiration of Second Notice: 7/22/01
23. Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog) Trapping (17 Ill Adm Code 570)  
-First Notice Published: 25 Ill Reg 5228 - 4/13/01  
-Expiration of Second Notice: 7/22/01
24. Squirrel Hunting (17 Ill Adm Code 690)  
-First Notice Published: 25 Ill Reg 5705 - 4/27/01  
-Expiration of Second Notice: 7/27/01
25. Incidental Taking of Endangered or Threatened Species (17 Ill Adm Code 1080)  
-First Notice Published: 25 Ill Reg 5220 - 4/13/01  
-Expiration of Second Notice: 8/1/01
- Pollution Control Board
26. Regulated Recharge Areas (35 Ill Adm Code 617)  
-First Notice Published: 24 Ill Reg 13164 - 9/1/00  
-Expiration of Second Notice: 7/30/01
27. Tiered Approach to Corrective Action Objectives (35 Ill Adm Code 742)  
-First Notice Published: 24 Ill Reg 12225 - 8/18/00  
-Expiration of Second Notice: 7/27/01
- Public Aid
28. Hospital Services (89 Ill Adm Code 148)  
-First Notice Published: 25 Ill Reg 4124 - 3/23/01  
-Expiration of Second Notice: 7/31/01
29. Hospital Services (89 Ill Adm Code 148)  
-First Notice Published: 25 Ill Reg 5254 - 4/13/01  
-Expiration of Second Notice: 7/27/01
- Public Health
30. Health Care Professional Credentials Data Collection Code (77 Ill Adm Code 965)

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## NEXT TENTATIVELY SCHEDULED MEETING:

JAMES R. THOMPSON CENTER  
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CHICAGO, ILLINOIS  
10:30 A.M.  
JULY 10, 2001

- First Notice Published: 24 Ill Reg 13194 - 9/1/00  
-Expiration of Second Notice: 7/25/01

Revenue

31. TeleFiling of Illinois Individual Income Tax Returns (86 Ill Adm Code 107)  
-First Notice Published: 25 Ill Reg 2967 - 2/23/01  
-Expiration of Second Notice: 7/12/01

State Fire Marshal

32. Fire Prevention and Safety (41 Ill Adm Code 100)  
-First Notice Published: 25 Ill Reg 3776 - 3/16/01  
-Expiration of Second Notice: 7/26/01
33. Boiler and Pressure Vessel Safety (41 Ill Adm Code 120)  
-First Notice Published: 25 Ill Reg 5156 - 4/13/01  
-Expiration of Second Notice: 7/13/01

EMERGENCY AND PEREMPTORY RULEMAKINGSAgriculture

34. Meat and Poultry Inspection Act (8 Ill Adm Code 125) (Peremptory)  
-Notice Published: 25 Ill Reg 7341 - 6/8/01

Central Management Services

35. Pay Plan (80 Ill Adm Code 310) (Peremptory)  
-Notice Published: 25 Ill Reg 8009 - 6/29/01

Human Services

36. Audit Requirements of DHS (89 Ill Adm Code 507) (Emergency)  
-Notice Published: 25 Ill Reg 7324 - 6/8/01

Natural Resources

37. Sport Fishing Regulations for the Waters of Illinois (17 Ill Adm Code 810) (Emergency)  
-Notice Published: 25 Ill Reg 7947 - 6/29/01

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## NEXT TENTATIVELY SCHEDULED MEETING:

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10:30 A.M.  
JULY 10, 2001

38. Conservation Reserve Enhancement Program (CREP) (17 Ill Adm Code 1515) (Emergency)  
-Notice Published: 25 Ill Reg 7329 - 6/8/01

AGENCY RESPONSEState Board of Education

39. Public Schools Evaluation, Recognition and Supervision (23 Ill Adm Code 1; 25 Ill Reg 3330)



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 19, 2001 through June 25, 2001 and have been scheduled for review by the Committee at its July 10, 2001 or August 7, 2001 meetings in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
8/1/01	Department of Natural Resources, Incidental Taking of Endangered or Threatened Species (17 Ill Adm Code 1080)	4/13/01 25 Ill Reg 5220	7/10/01
8/2/01	Department of Labor, Health and Safety (56 Ill Adm Code 350)	5/4/01 25 Ill Reg 5805	7/10/01
8/2/01	Department of Labor, Statewide Displaced Homemakers Program (56 Ill Adm Code 365)	4/27/01 25 Ill Reg 5701	7/10/01
8/3/01	Health Facilities Planning Board, Narrative Planning Policies (77 Ill Adm Code 1100)	2/16/01 25 Ill Reg 2503	7/10/01
8/3/01	Health Facilities Planning Board, Processing, Classification Policies and Review Criteria (77 Ill Adm Code 1110)	2/16/01 25 Ill Reg 2509	7/10/01
8/3/01	Health Facilities Planning Board, Health Facilities Planning Procedural Rules (77 Ill Adm Code 1130)	2/16/01 25 Ill Reg 2492	7/10/01
8/4/01	Illinois Commerce Commission, Uniform Electric Fuel Adjustment (83 Ill Adm Code 425)	3/23/01 25 Ill Reg 4067	7/10/01
8/8/01	Office of the Comptroller, Purchasing Card Program (44 Ill Adm Code 1130)	12/29/00 24 Ill Reg 18936	8/7/01

